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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FIFTIETH SESSION

Geneva, 3-28 August 1998

Rapporteur: Mr. Ioan Maxim

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I. DRAFT RESOLUTION AND DECISIONS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR ADOPTION

A. Draft resolution

Human rights and income distribution

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/14 of 20 August 1998,

Bearing in mind its fundamental role in the defence of human rights and its specific mandate in the prevention of situations relating to the full enjoyment of those rights,

1. Decides that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should establish a forum on economic, social and cultural rights, to be called the Social Forum, to meet during its annual sessions with the following main objectives:

(a) To exchange information on the enjoyment of economic, social and cultural rights and its relationship to the process of globalization;

(b) To follow up on the relationship between income distribution and human rights at both the international and national levels;

(c) To follow up on situations of poverty and destitution in the world, bearing in mind that these amount to complete and permanent denial of the rights of individuals;

(d) To analyse violations of economic, social and cultural rights and to discuss guidelines on these matters;

(e) To propose legal standards and initiatives, guidelines and other recommendations to be considered by the Commission on Human Rights, the open-ended working group on the right to development established by the Commission at its fifty-fourth session, the Committee on Economic, Social and Cultural Rights, the specialized agencies and other entities of the United Nations system;

2. Requests the Office of the United Nations High Commissioner for Human Rights to send invitations to the Social Forum, specifying the dates and including a draft provisional agenda, to:

(a) States Members of the United Nations; active participation by the members of the Commission on Human Rights is encouraged;

(b) Concerned United Nations bodies, including the United Nations Development Programme and the United Nations Children's Fund, specialized agencies, in particular the World Bank, the International Monetary Fund, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and the United Nations Industrial Development Organization, and other bodies concerned with the promotion and protection of economic, social and cultural rights;

(c) International, regional and national organizations and organizations or associations of workers, salaried staff, professionals or employers;

(d) Non-governmental organizations in consultative status with the Economic and Social Council, international development and cooperation agencies without consultative status but which would be offered a special accreditation procedure for the purpose of the Forum; special invitations must be sent to development and other non-profit institutions working in the field in developing countries;

(e) International banks, transnational corporations and other international enterprises which wish to accept the special accreditation procedure and to follow the discussion on economic, social and cultural rights at the Forum;

3. Also requests the Office of the High Commissioner to send a special invitation to the Chairman of the Committee on Economic, Social and Cultural Rights and the Chairman of the open-ended working group on the right to development, each of whom should be requested to submit a report to the Forum;

4. Further requests the Office of the High Commissioner to arrange for the Social Forum to be held for a suitable period, for example two or three days, for its programme to be announced in advance and included in the programme of the Sub-Commission, and for special advertising of this event;

5. Decides that the Social Forum may request the Sub-Commission to name a Special Rapporteur on economic, social and cultural rights, with the task of maintaining the relationship between the Forum and the Sub-Commission and to coordinate the issues relevant to the holding of and participation at this annual meeting;

6. Authorizes the High Commissioner to publish in a joint publication, in the official languages of the United Nations, the preparatory document on the relationship between the enjoyment of human rights and income distribution (E/CN.4/Sub.2/1994/21) submitted to the Sub-Commission by Mr. Asbjørn Eide, and the study by Mr. José Bengoa, Special Rapporteur of the Sub-Commission on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution (E/CN.4/Sub.2/1995/14, E/CN.4/Sub.2/1996/14, E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8).

[See chap. II, sect. A, resolution 1998/14
and chap. VI.]

B. Draft resolutions

1. The concept and practice of affirmative action

The Commission on Human Rights, taking note of resolution 1998/5 of 20 August 1998 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to appoint Mr. Marc Bossuyt as Special Rapporteur to undertake a study on the concept and practice of affirmative action as described in resolution 1998/5, which will pay specific attention to the recommendations made by the Sub-Commission and the Commission so as to further refine the focus and methods of the study.

[See chap. II, sect. A, resolution 1998/5, and chap. V.]

2. Promotion of the realization of the right to drinking water supply and sanitation services

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/7 of 20 August 1998, endorses the decision of the Sub-Commission to appoint Mr. El Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation services, at both the national and international levels, taking also into account questions related to the realization of the right to development, in order to determine the most effective means to reinforce activities in this field. The Commission also approves the decision to request the Special Rapporteur to submit a preliminary report at the fifty-first session, a progress report at the fifty-second session and a final report at the fifty-third session of the Sub-Commission. The Commission requests the Secretary-General to provide the Special Rapporteur with any assistance necessary for the discharge of his mandate, including the assistance of a consultant specialized in this field.

[See chap. II, sect. A, resolution 1998/7, and chap. VI.]

3. Traditional practices affecting the health of women and the girl child

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/16 of 21 August 1998, approves the recommendation of the Sub-Commission that the mandate of Ms. Halima Embarek Warzazi as Special Rapporteur on traditional practices affecting the health of women and the girl child be extended to ensure the completion of her task as called for in Sub-Commission resolution 1996/19 of 19 August 1996. The Commission also approves the recommendation that adequate administrative services be provided to the

Special Rapporteur, as well as appropriate resources to allow her to follow up progress relating to the implementation of the Plan of Action on the elimination of traditional practices affecting the health of women and children.

[See chap. II, sect. A, resolution 1998/16
and chap. VII.]

4. Systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/18 of 21 August 1998, approves the decision of the Sub-Commission to extend the mandate of Ms. Gay J. McDougall, as Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict, for a further year in order to enable her to submit an update on developments with respect to her mandate at the fifty-first session of the Sub-Commission. The Commission recommends to the Economic and Social Council that the final report of the Special Rapporteur (E/CN.4/Sub.2/1998/13) be published in the official languages of the United Nations and widely disseminated. The Commission recommends to the Secretary-General that the final report be transmitted to Governments, competent bodies of the United Nations, specialized agencies, regional intergovernmental organizations, the established international tribunals and to the Assembly of States Parties of the International Criminal Court.

[See chap. II, sect. A, resolution 1998/18
and chap. VIII.]

5. Study on indigenous land rights

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/21 of 21 August 1998, approves the Sub-Commission's requests to the Secretary-General to transmit as soon as possible the progress report on the working paper on indigenous people and their relationship to land (E/CN.4/Sub.2/1998/15), together with the preliminary working paper on the same topic (E/CN.4/Sub.2/1997/17 and Corr.1), to Governments, indigenous peoples and intergovernmental and non-governmental organizations for their comments, data and suggestions, and to provide the Special Rapporteur with all the assistance necessary to enable her to complete her final working paper in accordance with Commission decision 1997/114 of 11 April 1997 and Economic and Social Council decision 1997/289 of 22 July 1997.

[See chap. II, sect. A, resolution 1998/21
and chap. IX.]

6. International Decade of the World's Indigenous People

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/22 of 21 August 1998, endorses the Sub-Commission's recommendation that the Economic and Social Council authorize the Office of the United Nations High Commissioner for Human Rights to organize a three-day technical meeting immediately prior to the seventeenth session of the Working Group on Indigenous Populations in order to undertake a mid-point review of the International Decade of the World's Indigenous People.

[See chap. II, sect. A, resolution 1998/22
and chap. IX.]

7. Working Group on Indigenous Populations

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/23 of 21 August 1998, endorses the Sub-Commission's request that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for five working days prior to the fifty-first session of the Sub-Commission.

[See chap. II, sect. A, resolution 1998/23
and chap. IX.]

8. Prevention of discrimination against and the protection of minorities

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/24 of 26 August 1998, decides to recommend to the Economic and Social Council that a voluntary fund be established for the purpose of enabling representatives of minorities to participate in the work of the Working Group on Minorities of the Sub-Commission.

[See chap. II, sect. A, resolution 1998/24
and chap. X.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FIFTIETH SESSION

A. *Resolutions*

1998/1. *Situation of human rights in Belarus*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming that all Member States have an obligation to promote and protect human rights as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights and its first Optional Protocol, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of Racial Discrimination, the Convention on the Rights of the Child and the four Geneva Conventions of 1949,

Guided by the principles set forth in the Universal Declaration of Human Rights, specifically article 19, and guided also by the International Covenant on Civil and Political Rights, specifically articles 18 and 19,

Noting resolution 1998/28 of 17 April 1998 of the Commission on Human Rights in which the Commission encouraged the Sub-Commission to continue its efforts to avoid duplication with the work of the Commission, and noting also the role of the Sub-Commission in highlighting specific country situations which have not received adequate attention from the Commission,

Taking note of Commission resolution 1998/42 of 17 April 1998 in which the Commission appealed to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms,

Recalling Commission resolution 1998/21 of 9 April 1998 in which the Commission recognized that tolerance and pluralism strengthen democracy and facilitate the enjoyment of all human rights, and thereby constitute a sound foundation for civil society, social harmony and peace, Recalling also Commission resolution 1998/35 of 17 April 1998 in which the Commission stated that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

1. Expresses its deep concern:

(a) At the reports that Belarusian authorities unlawfully imprison, detain or otherwise harass Belarusian political leaders, journalists and human rights defenders when they attempt to exercise their right to free expression by seeking to expose, criticize or otherwise comment on abuses of power by government officials, resulting in a climate of fear and intolerance;

(b) At the concentration of legislative power in the executive branch of Government and a weak judiciary whose independence has been continuously undermined, such that the rule of law has not been preserved;

2. Calls upon the Government of Belarus:

(a) To lift restrictions on freedom of expression which limit a citizen's right to criticize the Government without incitement to violence or those who occupy a position of power and authority;

(b) To comply with international human rights law by protecting the integrity and rights of journalists and human rights workers by allowing them to investigate, publish and report on abuses of power and violations of human rights about which they receive information;

(c) To take effective steps to ensure the independence of the judiciary;

3. Takes note of the activities of the United Nations Development Programme and the Organization for Security and Cooperation in Europe for the protection of human rights in Belarus, and encourages the Government of Belarus to continue its cooperation with these activities;

4. Decides:

(a) To recommend that the Commission on Human Rights consider the situation of human rights in Belarus at its next session;

(b) To recommend also that the Commission invite international organizations, such as the Council of Europe and the Organization for Security and Cooperation in Europe, to help promote the protection of human rights in Belarus by devoting greater attention to the situation and also by actively supporting and protecting the work of human rights defenders;

(c) If the Commission is unable to take action on the situation of human rights in Belarus, to continue consideration of the matter at its fifty-first session under the same agenda item.

25th meeting
19 August 1998
[Adopted by secret ballot by 17 votes to 4,
with 3 abstentions. See chap. IV.]

1998/2. Situation of human rights in the Democratic People's Republic of Korea

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming that all Member States have the obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

Recognizing that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

Considering the participation of the Government of the Democratic People's Republic of Korea at the examination of its initial report on the implementation of the Convention on the Rights of the Child (CRC/C/3/Add.41) by the Committee on the Rights of the Child in May 1998 to be an encouraging sign of cooperation with the United Nations treaty bodies,

Recalling its resolution 1997/3 of 21 August 1997,

Concerned at the extreme difficulty in obtaining accurate information concerning the situation of human rights in the Democratic People's Republic of Korea, which has been made even more difficult by the Government's persistent repression of independent journalists and human rights defenders,

Concerned also at frequent reports of extrajudicial executions and disappearances within the Democratic People's Republic of Korea, as well as at similar reports that thousands of political prisoners are currently being detained within the country, many of whom have suffered severe ill-treatment and have consequently died of disease, starvation and exposure,

1. Welcomes the participation of the Government of the Democratic People's Republic of Korea in the examination of its initial report on the implementation of the Convention on the Rights of the Child by the Committee on the Rights of the Child;

2. Urgently calls upon the Government to ensure full respect for article 13 of the Universal Declaration of Human Rights and article 12 of the

International Covenant on Civil and Political Rights, both of which relate to the right of anyone to leave any country, including his or her own, and to return to his or her country;

3. Requests the Government to cooperate fully with the procedures and services established by the United Nations with the aim of ensuring the promotion and protection of human rights, in accordance with the Charter of the United Nations;

4. Strongly urges the Government to allow and facilitate inquiries by independent national and international human rights monitoring organizations concerning the current human rights situation within the country and to allow the publication and distribution of all findings inside the Democratic People's Republic of Korea;

5. Invites international human rights and humanitarian organizations to devote greater attention to the human rights situation in the Democratic People's Republic of Korea;

6. Also invites international humanitarian organizations to promote at the international level greater awareness of the consequences of the food shortages and other economic hardships on the citizens of the Democratic People's Republic of Korea and to provide them with substantial and effective assistance;

7. Decides to recommend that the Commission on Human Rights consider the situation of human rights in the Democratic People's Republic of Korea at its next session and, if the Commission is unable to take action on the situation of human rights in the Democratic People's Republic of Korea, to continue consideration of the matter at the fifty-first session of the Sub-Commission under the same agenda item.

25th meeting
19 August 1998
[Adopted by secret ballot by 19 votes to 4,
with 1 abstention. See chap. IV.]

1998/3. Violations of the rights of human rights defenders in all countries

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its task to report to the Commission on Human Rights on situations of grave violations of human rights, Aware of the importance to be given to the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights and considering that effective measures should be taken in order to ensure respect for the Universal Declaration,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights and endorsed by the General Assembly in its resolution 48/121 of 20 December 1993,

Recalling also Commission on Human Rights resolution 1998/66 of 21 April 1998 regarding cooperation with representatives of United Nations human rights bodies,

Recalling further its resolution 1995/25 of 24 August 1995 regarding the protection by competent authorities of everyone against threats, retaliation, pressure or any other arbitrary action in the context of the legitimate, peaceful and non-violent exercise of the right to strive for the protection of human rights,

Noting with deep concern that in many countries, in contradiction to the commitments and obligations of Governments, persons and organizations engaged in promoting and defending human rights are facing threats, harassment and insecurity,

Deeply concerned at the increasing number of cases of which it has been informed concerning human rights defenders who, because of their activities in favour of the recognition, promotion and defence of human rights, have been persecuted, either by being arrested, convicted or imprisoned, or by being the victims of unresolved killings, or by being suspended or prohibited from exercising their professional activities, or by threat of suppression or actual suppression of the legal personality of the organization to which they belong,

Noting with satisfaction the adoption of Economic and Social Council resolution 1998/33 of 30 July 1998 by which the Council approved the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as contained in the annex to Commission on Human Rights resolution 1998/7 of 3 April 1998, and recommended it to the General Assembly for adoption at its fifty-third session,

Recalling that, in the context of the legitimate exercise of the rights to which it relates, the draft declaration states that each State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure discrimination, pressure or any other arbitrary action, and that individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes, Noting Commission resolution 1998/28 of 17 April 1998 in which the Commission called upon the Sub-Commission and upon its members to focus on its primary role as an advisory body of the Commission on Human Rights,

1. Urges each State to take any measures necessary within its own jurisdiction to ensure the effective respect of their obligations in the field of human rights, in accordance with the provisions of the various international instruments, and to guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights;

2. Firmly condemns the murders of Mr. José Eduardo Umaña Mendoza, lawyer, professor of criminal law and former member of the Lawyers Collective "José Alvear Restrepo" and member of the executive council of the World Organization against Torture, on 18 April 1998 in Bogotá; Msr. Juan Gerardi, President of the Commission of Peace and Justice in Guatemala, in April 1998; Mr. Rexhep Bislimi, member of the Council for the Defence of Human Rights and Freedoms, on 22 July 1998 in Pristina, Kosovo, Federal Republic of Yugoslavia; Mr. Ernesto Sandoval Bustillo, President of a local branch of the Human Rights Committee of Honduras; Mr. Youssef Fethellah, lawyer, human rights activist and President of the Algerian League of Human Rights, on 18 June 1994 in Algeria; Ms. Luz Amparo Jiménez Pallares, journalist, director of the regional office of the Reintegration Programme and Coordinator of the Redepaz peace network, on 11 August 1998 in Valledupar, Colombia; and Mr. Patrick Finucane, lawyer and human rights defender in Belfast, Northern Ireland, in 1989, mentioned in the report of the Special Rapporteur on the independence of judges and lawyers on his visit to the United Kingdom of Great Britain and Northern Ireland (E/CN.4/1998/Add.4);

3. Calls upon the Governments concerned not to leave crimes committed again human rights defenders unpunished, to allow and facilitate all necessary inquiry, and to ensure judgement by a civil tribunal and punishment of the perpetrators as well as compensation of the families of the victims, including for killings which occurred a long time ago, as recommended by the Special Rapporteur on the independence of judges and lawyers;

4. Urges each State to take any measures necessary within its own jurisdiction to ensure the security of all persons covered by the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights who are being repressed, harassed or threatened throughout the world;

5. Requests the United Nations High Commissioner for Human Rights to undertake inquiries about the security situation of the persons listed in the annex to the present resolution and to inform the Sub-Commission, at its fifty-first session, of the results of her inquiries;

6. Requests the Government of Myanmar, in view of recent events, to ensure the security of Aung San Suu Kyi and of the members of the National League for Democracy, in particular to guarantee their freedom of movement and expression, and urges the Government to extend to the Special Rapporteur on the situation of human rights in Myanmar of the Commission on Human Rights an invitation to visit the country;

7. Requests the High Commissioner for Human Rights to transmit the present resolution to all States;

8. Invites the General Assembly to adopt the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as contained in the annex to Commission on Human Rights resolution 1998/7 of 3 April 1998, at its fifty-third session;

9. Decides to remain seized of the question of violations of the rights of human rights defenders at its fifty-first session under the same agenda item.

26th meeting
20 August 1998
[Adopted by secret ballot by 21 votes to 3.
See chap. IV.]

ANNEX

List of persons concerning whose security situation the High Commissioner is requested to make inquiries

Mr. Akin Birdal	President of the Turkish Human Rights Association and Vice-President of the International Federation of Human Rights Leagues
Mr. Khemaïs Ksila	Vice-President of the Tunisian League of Human Rights
Mr. Ramón Custodio	President of the Human Rights Committee of Honduras
Fr. Javier Giraldo	Executive Director of the Intercongregational Commission of Justice and Peace of Colombia
Mr. Clement Nwankwo	Director of the Constitutional Rights Project of Nigeria
Mr. Destan Rukichi	Lawyer and member of the Council for the Defence of Human Rights and Freedoms in Pristina, Kosovo, Federal Republic of Yugoslavia
Mr. Viktor Kaisiepo	Human rights activist and spokesperson of the West Papua Peoples' Front of Indonesia
Mr. Pierre Samba	President of the human rights non-governmental organization Grande Vision in the Democratic Republic of the Congo

The lawyers who are members of the Judicial Center of Public Interest of the Philippines

1998/4. Developments in the situation in Mexico

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the international conventions relating to the promotion and protection of human rights,

Taking note of information from corroborative sources indicating that developments in the human rights situation in Mexico are becoming more and more disturbing, particularly as far as the indigenous populations are concerned,

Considering the information and recommendations by the Special Rapporteur of the Commission on Human Rights on the question of torture (E/CN.4/1998/38/Add.2) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1998/101/Add.2) following their visits to that country,

Noting with satisfaction the importance of the announcement made to the Sub-Commission by the Government of Mexico of its support for the adoption by the General Assembly of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, approved by the Commission on Human Rights in its resolution 1998/7 of 3 April 1998 and by the Economic and Social Council in its resolution 1998/33 of 30 July 1998,

Regarding as an encouraging sign and a positive development the statement made to the Sub-Commission by the observer for Mexico on the general strategy decided by the Government to resolve the question of Chiapas, with the help of dialogue and without first requiring the Zapatista National Liberation Army to hand over its weapons, by reconciliation and peace in dignity and in justice, by re-establishing and maintaining the rule of law, including the disarming of armed groups and the resumption of dialogue with the Zapatista National Liberation Army, and by tackling the structural causes of marginalization and extreme poverty linked to the underdevelopment of that region,

Reaffirming its conviction that preventive action by the Commission on Human Rights and other protection mechanisms is the surest way, while there is still time, to prevent violence and impunity from irreparably impairing the rule of law,

1. Requests the Mexican authorities to ensure full respect for the international instruments to which Mexico is party and, to this end, to attach the highest priority:

(a) On the one hand, to combating the impunity of perpetrators of serious human rights violations, especially those suffered by numerous members of the indigenous populations;

(b) On the other hand, to promoting the action of human rights defenders and guaranteeing their safety;

2. Appeals to the signatories to the San Andrés accords to resume the process favouring dialogue;

3. Requests the Commission on Human Rights, in the interest of prevention, to consider at its next session the developments in the human rights situation in Mexico and decides, should the Commission be unable to do so, to continue the consideration of these developments at its fifty-first session, under the same agenda item.

26th meeting
20 August 1998
[Adopted by secret ballot by 12 votes to 6,
with 6 abstentions. See chap. IV.]

1998/5. The concept and practice of affirmative action

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the standards embodied in international instruments relating to the guarantee of human rights, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and International Labour Convention No. 111 concerning Discrimination in Respect of Employment and Occupation,

Recognizing that the concept of affirmative action has been neither defined nor practised uniformly at the international level,

Noting Commission on Human Rights resolution 1998/26 of 17 April 1998 in which the Commission invited the Sub-Commission to carry out studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111 of 12 December 1997 regarding the Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and to transmit its recommendations to the Commission at its fifty-fifth session and to the Preparatory Committee through the Commission on Human Rights,

Mindful of Commission on Human Rights resolutions 1996/25 of 19 April 1996, 1997/22 of 11 April 1997 and 1998/28 of 17 April 1998, in which the Commission called upon the Sub-Commission and its members to further enhance cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies, including human rights treaty bodies,

Mindful also of paragraph 53 of the report of the seventh meeting of persons chairing the human rights treaty bodies (A/51/482, annex), in which the chairpersons recommended that the treaty bodies take a more active role in supporting, suggesting topics for and cooperating in the preparation of studies by the Sub-Commission, as well as Sub-Commission initiatives pursuant to its decision 1997/112 of 27 August 1997 regarding criteria for studies,

Recalling its decision 1997/118 of 28 August 1997,

1. Expresses its gratitude to Mr. Marc Bossuyt for his working paper on the concept of affirmative action (E/CN.4/Sub.2/1998/5);

2. Decides, since this subject requires careful and comprehensive inquiry, to appoint Mr. Bossuyt as Special Rapporteur with the task of preparing a study on the concept and practice of affirmative action, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-first session;

3. Agrees with Mr. Bossuyt's suggestion that the Special Rapporteur be authorized to request the United Nations High Commissioner for Human Rights to send out a questionnaire to Governments, international organizations and non-governmental organizations, inviting them to send all relevant national documentation on the subject of affirmative action, and believes that the preparatory report should take into account the information and the experiences generated as a result of the work of the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women;

4. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 1.]

26th meeting
20 August 1998
[Adopted without a vote. See chap. V.]

1998/6. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the norms embodied in international instruments relating to the guarantee of human rights and particularly the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also the objectives as set forth in the Charter of the United Nations on achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism and racial discrimination undermine the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights and its firm determination and commitment to eradicate racial discrimination totally and unconditionally,

Concerned at the phenomenon of globalization, accompanied by a concentration of wealth, on the one hand, and marginalization and exclusion, on the other, and its effects on the right to development and on living standards, and by the increase in incidents of racism, racial discrimination, xenophobia and related intolerance,

Sharing the grave concern of the fifty-fourth session of the Commission on Human Rights that despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Welcoming General Assembly resolution 52/111 of 12 December 1997 in which the Assembly decided to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held not later than the year 2001,

Conscious that the World Conference should carefully consider the complicated interplay of discrimination based on race and discrimination based on other grounds, such as gender,

Taking note of the decision of the Fifth Committee of the General Assembly that the preparatory process for the World Conference would include preparatory committee meetings for a period of five working days each immediately prior to the session of the Commission on Human Rights in the years 2000 and 2001,

Taking note also of Commission on Human Rights resolution 1998/26 of 17 April 1998 in which the Commission decided to create an open-ended working group to meet during the fifty-fifth session in order to review and formulate proposals for consideration by the Commission and possible forwarding to the preparatory committee at its first session,

Welcoming the invitation of the Commission on Human Rights, in its resolution 1998/26, to invite non-governmental organizations to participate fully in the preparatory process for the World Conference,

Noting that in resolution 1998/26 the Commission invited the Sub-Commission to carry out studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111, and to transmit its recommendations to the Commission at its fifty-fifth session and, through the Commission on Human Rights, to the preparatory committee, *Welcoming* the cooperation of the Committee on the Elimination of Racial Discrimination on the joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (E/CN.4/Sub.2/1998/4),

Noting its response to the suggestions of the Committee on the Elimination of Racial Discrimination concerning the preparation of studies (E/CN.4/Sub.2/1997/31, annex), and in particular the working paper prepared by Mr. Marc Bossuyt on the concept of affirmative action (E/CN.4/Sub.2/1998/5), its resolution 1998/5 of 20 August 1998 in which it requested a full study on the concept and practice of affirmative action, its decision 1998/103 of 20 August 1998 in which it decided to undertake a working paper on the rights of non-citizens, and its recent efforts to respond to the request for a study on reservations to treaties,

1. *Declares* that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from official doctrines of racial superiority or exclusivity, such as ethnic cleansing, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. *Notes* that the General Assembly, in its resolution 52/111 of 12 December 1997 in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, set as one of the main objectives of the Conference to review the political, historical, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance;

3. *Commends* all States that have ratified or acceded to the international instruments to combat racism and racial discrimination and invites all States that have not yet done so to ratify or accede to them as soon as possible;

4. *Encourages* educational institutions, non-governmental organizations and the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

5. *Regrets* the continued lack of interest, support and financial resources for the Third Decade to Combat Racism and Racial Discrimination and the Programme of Action for the Decade, and calls upon all Governments, United Nations bodies, specialized agencies and interested non-governmental organizations to contribute fully to the implementation of the Programme of Action;

6. *Considers* that substantial voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme of Action for the Third Decade;

7. *Supports* the invitation of the Commission on Human Rights, in its resolution 1998/26 of 17 April 1998, to the United Nations High Commissioner for Human Rights to submit to the Commission at its fifty-fifth session, from

within existing financial resources, a preliminary analytical study on the objectives of the World Conference as identified by the General Assembly;

8. Recommends that the topics for studies undertaken in response to the suggestions from the Committee on the Elimination of Racial Discrimination (E/CN.4/Sub.2/1997/31, annex) be considered using the materials developed by the Sub-Commission in the preparatory process and at the World Conference itself;

9. Decides to request Mr. Paulo Sergio Pinheiro to prepare, without financial implications, a paper on proposals for the work of the World Conference to be considered by the Sub-Commission at its fifty-first session;

10. Also decides to carry out further studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111, and to transmit recommendations for studies to the Commission at its fifty-fifth session and, through the Commission, to the preparatory committee;

11. Recommends to the preparatory committee that the World Conference devote considerable attention to the overall themes of equality and diversity in an effort to combat racism and racial discrimination;

12. Calls upon Member States to decide as quickly as possible on a firm date and place for the World Conference in order to facilitate the planning of activities leading to the World Conference, some of which will be part of the Third Decade to Combat Racism and Racial Discrimination;

13. Suggests that the World Conference focus, inter alia, on both situations of ethnic conflict and other patterns of discrimination which are based on race, colour, descent, or national or ethnic origin, as well as the topics of ethnic conflict, education and racial discrimination, globalization in the context of the increase in incidents of racism, racial discrimination and xenophobia, affirmative action, migrant workers, the rights of non-citizens, reservations to the International Convention on the Elimination of All Forms of Racial Discrimination, hate speech and remedies for racial discrimination;

14. Recommends that the World Conference prepare a declaration and a programme of action to combat racism, racial discrimination, xenophobia and related forms of intolerance;

15. Decides to discuss the World Conference further at its fifty-first session.

26th meeting
20 August 1998
[Adopted without a vote. See chap. V.]

1998/7. Promotion of the realization of the right to drinking water supply and sanitation services

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of other texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

Taking note of the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986, annex),

Recalling section I, paragraph 10, of the Vienna Declaration and Programme of Action (A/CONF.157/24 (Part I), chap. III.), in which the World Conference on Human Rights, among other things, reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking account of the results of the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, especially the recommendations in its Programme of Action (United Nations publication, Sales No. E.96.IV.8, chap. I, resolution 1, annex II) concerning the United Nations system to strengthen United Nations operational activities for development in order to implement the World Summit outcome, as well as the United Nations system's capacity for gathering and analysing information and developing indicators of social development, taking into account the work carried out by different countries, in particularly by developing countries (para. 99 (e)).

Recalling resolutions I (Assessment of water resources), II (Community water supply), III (Agricultural water use), IV (Research and development of industrial technologies), VIII (Institutional arrangements for international cooperation in the water sector) and IX (Financing arrangements for international cooperation in the water sector) adopted at the United Nations Water Conference held in Mar del Plata, Argentina, from 14 to 25 March 1977 (United Nations Publication, Sales No. E.77.II.A.12, chap. I),

Taking particular account of the International Drinking Water Supply and Sanitation Decade (1981-1990) and the celebration, on 22 March of each year, of the World Day for Water (General Assembly resolutions 45/181 of 21 December 1990 and 47/193 of 22 December 1992, respectively),

Bearing in mind the objectives of a "20:20"-type compact concerning in particular the access of all to drinking water supply and sanitation services, as expressed in the UNDP Human Development Report 1994,

Recalling its resolution 1997/18 of 27 August 1997, in which it decided to entrust to Mr. El Hadji Guissé the task of drafting, without financial implications, a working paper on the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services,

Reaffirming the fundamental principles of equality, human dignity and social justice, and the right to drinking water supply and sanitation for every woman, man and child,

Convinced of the urgent and persistent necessity of increased attention and commitment by all decision-makers to the right to drinking water supply and sanitation,

Deeply concerned to note that more than one billion people in the world are still deprived of access to drinking water supply and that four billion lack decent conditions of sanitation,

1. **Takes note with appreciation** of the working paper on the promotion of the realization of the right of access to everyone to drinking water supply and sanitation services (E/CN.4/Sub.2/1998/7) submitted by Mr. El Hadji Guissé;

2. **Subscribes** to the remarks of the expert on the various obstacles linked to the realization of the right to drinking water supply and sanitation seriously impeding the realization of economic, social and cultural rights, and on equality being an essential element for effective participation in the realization of the right to development and the right to a healthy environment;

3. **Decides** to appoint Mr. El Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at both the national and international levels, taking also into account questions related to the realization of the right to development, in order to determine the most effective means to reinforce activities in this field;

4. **Requests** the Special Rapporteur to submit a preliminary report at its fifty-first session, a progress report at its fifty-second session and a final report at its fifty-third session;

5. **Requests** the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and non-governmental organizations to provide the Special Rapporteur with information relevant to the preparation of his report;

6. **Also requests** the Secretary-General to provide the Special Rapporteur with any assistance necessary for the discharge of his mandate, including the assistance of a consultant specialized in this field;

7. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 2.]

26th meeting
20 August 1998
[Adopted without a vote. See chap. VI.]

1998/8. The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that, under the Charter of the United Nations, one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969, the Declaration and Programme of Action on the Establishment of a New International Economic Order proclaimed by the General Assembly in its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, the Charter of Economic Rights and Duties of States adopted by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, the Declaration of the Principles of International Cultural Cooperation proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966, and General Assembly resolution 1803 (XVII) of 14 December 1962, entitled "Permanent sovereignty over natural resources",

Mindful that, in the Vienna Declaration and Programme of Action (A/CONF.157/24 (Part I), chap. III), the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights, reaffirmed that the human person was the central subject of development and underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Noting that the Working Group on the Right to Development identified the concentration of economic and political power as one of the obstacles to the realization of the right to development,

Noting also that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level, Taking into account the fact that the Working Group on the Right to Development recommended the adoption of new international legislation and the creation of effective international institutions to regulate the activities of transnational corporations and banks, and in particular the resumption of multilateral negotiations on a code of conduct for transnational corporations,

Bearing in mind the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy adopted by the Governing Body of the International Labour Organization in November 1977,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Recalling in particular its resolution 1997/11 of 22 August 1997,

Recalling Commission on Human Rights resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993, 1994/11 of 25 February 1994, 1995/13 of 25 February 1995, 1996/15 of 11 April 1996 and 1997/9 of 3 April 1997,

Taking into account the background document (E/CN.4/Sub.2/1995/11) and the report (E/CN.4/Sub.2/1996/12 and Corr.1) submitted by the Secretary-General in accordance with its resolution 1995/31 of 24 August 1995,

1. Takes note with satisfaction of the working document on the question of the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations submitted by Mr. El Hadji Guissé (E/CN.4/Sub.2/1998/6);

2. Supports the Declaration on the Right to Development and underlines the multidimensional, integrated and dynamic character of this right which favours a partnership for development and constitutes a relevant framework for international cooperation and national action aiming at universal and effective respect for all human rights in their universality, indivisibility and interdependence;

3. Affirms that the global and multidimensional approach defined in the Declaration on the Right to Development should constitute a basis for the work undertaken on the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations;

4. Decides to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, taking into account the principle of equitable geographical distribution, to examine the working methods and activities of transnational corporations, with the following mandate:

(a) To identify and examine the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as civil and political rights;

(b) To examine, receive and gather information, including any working paper submitted by a member of the Sub-Commission, on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights;

(c) To analyse the compatibility of the various international human rights instruments with the various investment agreements, regional as well as international, including, in particular, the Multilateral Agreement on Investment;

(d) To make recommendations and proposals relating to the methods of work and activities of transnational corporations in order to ensure that such methods and activities are in keeping with the economic and social objectives of the countries in which they operate, and to promote the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights;

(e) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product and financial turnover, respectively;

(f) To consider the scope of the obligation of States to regulate the activities of transnational corporations, where their activities have or are likely to have a significant impact on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights of all persons within their jurisdiction;

5. Requests the working group to submit its first report to the Sub-Commission at its fifty-first session.

26th meeting
20 August 1998
[Adopted without a vote. See chap. VI.]

1998/9. Forced evictions

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1993/77 of 10 March 1993 and the analytical report on forced evictions submitted by the Secretary-General (E/CN.4/1994/20) to the Commission at its fiftieth session, Recalling also its resolutions 1991/12 of 26 August 1991, 1992/14 of 27 August 1992, 1993/41 of 26 August 1993, 1994/39 of 26 August 1994, 1995/29 of 24 August 1995, 1996/27 of 29 August 1996 and 1997/6 of 22 August 1997,

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity, which includes the right not to be evicted arbitrarily or on a discriminatory basis from one's home, land or community,

Recognizing that the often violent practice of forced eviction involves the coerced and involuntary removal of persons, families and groups from their homes, lands and communities, whether or not deemed legal under prevailing systems of law, resulting in greater homelessness and inadequate housing and living conditions,

Emphasizing that ultimate legal and political responsibility for preventing forced evictions rests with Governments,

Recalling that general comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, inter alia, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation (E/1990/23-E/C.12/1990/3, annex III, para. 6), and general comment No. 4 (1991) in which the Committee considered that instances of forced eviction were, prima facie, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (E/1992/23-E/C.12/1991/4, annex III, para. 18),

Noting with interest the recent case law of the European Court of Human Rights and the Inter-American Commission on Human Rights,

Noting with appreciation the adoption of general comment No. 7 (1997) on forced evictions by the Committee on Economic, Social and Cultural Rights (E/1998/22-E/C.12/1997/10, annex IV), in which the Committee recognized, inter alia, that women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable groups all suffer disproportionately from the practice of force eviction, and that women in all groups are especially vulnerable, given the extent of statutory and other forms of discrimination which often apply in relation to the property rights of women, including home ownership and rights of access to property or accommodation, and given the particular vulnerability of women to acts of violence and sexual abuse when they are rendered homeless,

Noting also the provisions on forced evictions contained in the Habitat Agenda (A/CONF.165/14, chap. I, annex II), adopted by the second United Nations Conference on Human Settlements (Habitat II) convened in June 1996,

1. Reaffirms that the practice of forced eviction constitutes a gross violation of a broad range of human rights, in particular the right to

adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to property, the right to an adequate standard of living, the right to security of the home, the right to security of the person, the right to security of tenure and the right to equality of treatment;

2. Strongly urges Governments to undertake immediately measures, at all levels, aimed at eliminating the practice of forced evictions by, inter alia, repealing existing plans involving arbitrary forced evictions and legislation allowing arbitrary forced evictions and ensuring the right to security of tenure for all residents;

3. Also strongly urges Governments to protect all persons who are currently threatened with forced evictions and to adopt all necessary measures giving full protection against arbitrary or unreasonable forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes, rights and needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups, and recognizing the obligation to ensure such provision in the event of any forced eviction;

5. Recommends that all Governments ensure that any eviction, whether forced or not, is carried out in a manner which does not violate any of the human rights of those evicted;

6. Invites all international financial, trade, development and other related institutions and agencies, including member or donor States that have voting rights within such bodies, to take fully into account the views contained in the present resolution and other pronouncements under international human rights and humanitarian law on the practice of forced eviction;

7. Requests the United Nations High Commissioner on Human Rights to give due attention to the practice of forced eviction in discharging her responsibilities and to undertake measures, whenever possible, to persuade Governments to comply with relevant international standards, to repeal planned forced evictions from taking place and to ensure the provision of adequate compensation when forced evictions have already occurred;

8. Welcomes the report of the expert seminar on the practice of forced evictions convened from 11 to 13 June 1997 and the comprehensive human rights guidelines on development-based displacement adopted by the expert seminar (E/CN.4/Sub.2/1997/7);

9. Urges the Commission to invite all States to consider the comprehensive human rights guidelines on development-based displacement as contained in document E/CN.4/Sub.2/1997/7, with a view to approving the guidelines in their present form at its fifty-sixth session;

10. __Decides__ to consider the issue of forced evictions at its fifty-first session under the same agenda item.

__26th meeting__
__20 August 1998__
[Adopted without a vote. See chap. VI.]

1998/10. __Situation of migrant workers and members of their families__

__The Sub-Commission on Prevention of Discrimination and Protection of Minorities__,

__Noting__ Commission on Human Rights resolutions 1998/15 and 1998/17 of 9 April 1998 and recalling Sub-Commission resolution 1997/4 of 21 August 1997,

__Reaffirming__ that acts of violence against migrant workers, both men and women, constitute flagrant violations of the international instruments relating to human rights, and in particular of the Convention on the Elimination of All Forms of Discrimination against Women,

__Preoccupied__ by the reluctance of States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which was adopted without a vote by the General Assembly at its forty-fifth session,

__Deeply concerned__ by the increasing phenomena of extreme racism, xenophobia and violent intolerance which affect, in particular, migrant workers, men and women, and the members of their families,

__Bearing in mind__ the international labour standards adopted by the International Labour Organization in regard to migrant workers, and expressing its regrets at the limited number of signatories of important conventions such as the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), which cover almost all aspects of employment affecting both regular and irregular entry and stay of migrant workers,

__Reaffirming__ that the degrading treatment directed against migrant workers in certain parts of the world has made them one of the most vulnerable groups in the contemporary world,

__Stressing__ that recent trends show that migration is steadily becoming more feminized,

1. __Reaffirms__ that immigration is not a burden but rather a phenomenon whose effects are rewarding for receiving societies;

2. __Considers__ that international migratory movements are steadily increasing because poverty is growing in a large number of developing countries and that the use of foreign labour in the developed countries is continuing despite claims that there is an economic crisis;

3. Regrets once again the contradiction which exists between the free movement of goods and the liberalization of trade in services and financial transactions encouraged by transnational corporations and international financial institutions, and the increasingly draconian restrictions imposed on the movement of individuals;

4. Considers that it is the responsibility of the States concerned to combat and put an end to all acts of violence resulting from racism, racial discrimination and xenophobia directed against migrant workers and members of their families;

5. Appeals to the competent authorities of receiving countries as well as to the members of civil society to pay particular attention to the protection and defence of women migrant workers, who are confronted with serious problems both as women and as migrant workers;

6. Expresses its conviction that migrant workers contribute not only to the economic progress of the States where they are employed, but also to the enrichment of the cultural life of the receiving societies and the establishment of an atmosphere of mutual knowledge and understanding and peaceful coexistence;

7. Takes note with interest of the establishment in Vienna by the European Union of the Monitoring Centre on Racism and Xenophobia as well as the establishment of a network of anti-racist non-governmental organizations;

8. Draws attention to the need for States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;

9. Appeals to Governments to ratify the International Labour Organization Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);

10. Also appeals to Governments, in particular of receiving States, to adopt comprehensive civil anti-discrimination legislation specifically outlawing discrimination on the grounds of nationality in all aspects of the employment relationship, stringently enforced by a national agency specialized in non-discrimination;

11. Considers that further anti-discrimination measures need to be adopted, including schemes to ensure compliance with contracts and to survey the incidence of discrimination;

12. Takes note with satisfaction of the International Labour Organization interactive database on international labour migration, which contains both statistical and qualitative information on the subject;

13. Takes note of the work done by the working group of intergovernmental experts on the human rights of migrants of the Commission on Human Rights;

14. Considers that the misuse of information technology, particularly as directed towards the incitement of racism and racial violence, should be monitored;

15. Appeals to the Governments concerned to establish appropriate legal and other forums and institutions to address the problems of migrants and to provide access to them for migrant workers;

16. Considers once again that it would be useful, on the occasion of the adoption of policies aimed at protecting the rights of migrant workers, for Governments to benefit from the experience of representatives of migrant workers' organizations;

17. Decides to continue to consider this question at its fifty-first session under the same agenda item.

26th meeting
20 August 1998
[Adopted without a vote. See chap. VI.]

1998/11. The realization of the right to education, including education in human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles relating to the right to education enshrined in the International Bill of Human Rights, in particular article 26 of the Universal Declaration of Human Rights, and article 13 of the International Covenant on Economic, Social and Cultural Rights, and article 28 of the Convention on the Rights of the Child, which provide that everyone has the right to education,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/24 (Part I), chap. III), in particular section I, paragraph 33, and section II, paragraphs 78 to 82, thereof,

Recalling also the World Declaration on Education for All adopted at the World Conference on Education for All: Meeting Basic Needs, held at Jomtien, Thailand, from 5 to 9 March 1990,

Recalling further Commission on Human Rights resolution 1996/44 of 19 April 1996,

Recalling the World Plan of Action on Education for Human Rights and Democracy, adopted by the International Congress on Education for Human Rights and Democracy convened by the United Nations Educational, Scientific and Cultural Organization at Montreal, Canada, from 8 to 11 March 1993, Bearing in mind the United Nations Decade for Human Rights Education proclaimed by the General Assembly in its resolution 49/184 of 23 December 1994, which is to end in the year 2004,

Noting that the question of the right to education has not been sufficiently dealt with in the framework of the United Nations bodies responsible for the protection of human rights,

Noting with satisfaction the developing international awareness of the importance of education, particularly in the field of human rights, for human development,

Conscious of the central role played by human rights education in combating intolerance, racism and exclusion,

Noting General Assembly resolution 52/127 of 12 December 1997 on the right to education,

Noting also Commission on Human Rights resolution 1998/33 of 17 April 1998 by which the Commission decided to appoint a special rapporteur on the right to education,

Welcoming the nomination of Mrs. Katerina Tomasevski as Special Rapporteur on the right to education,

Noting the decision of the Committee on Economic, Social and Cultural Rights to devote the day of general discussion at its nineteenth session to the right to education,

Noting also that the Working Group on Minorities has requested Mr. Mustapha Mehedi to prepare a working paper on multicultural and intercultural education,

Taking note with satisfaction of the interest shown by the United Nations Educational, Scientific and Cultural Organization, the experts of the Sub-Commission and non-governmental organizations during the discussion on the working paper submitted by Mr. Mehedi in accordance with Sub-Commission resolution 1997/7 of 22 August 1997 (E/CN.4/Sub.2/1998/10),

1. Takes note with satisfaction of the working paper on the right to education submitted by Mr. Mustapha Mehedi;

2. Endorses fully the conclusions of the working paper and congratulates Mr. Mehedi on his work;

3. Requests Mr. Mehedi to prepare, without financial obligations, a more detailed working paper on the right to education, including human rights education, for submission to the Sub-Commission at its fifty-first session, the purpose of the working paper being to explain the content of the right to education, taking account, in particular, of its social dimension and the

freedoms it includes and of its dual civil and political rights and economic, social and cultural rights character, and to identify ways and means of promoting human rights education;

4. Expresses its wish for cooperation with the other mechanisms dealing with the right to education and education in human rights.

27th meeting
20 August 1998
[Adopted without a vote. See chap. VI.]

1998/12. Human rights as the primary objective of trade, investment and financial policy

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that, as declared in article 28 of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration can be fully realized, and that article 25, paragraph 1, enshrines the right of everyone to a standard of living adequate for the full realization of economic, social and cultural rights,

Stressing the need to work towards the realization for all people and communities of the rights, including food, housing, work, health and education, enshrined in the International Covenant on Economic, Social and Cultural Rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/24 (Part I), chap. III) which confirmed that the promotion and protection of human rights and fundamental freedoms is the first responsibility of Governments and that the human person is the central subject of development, and the Copenhagen Declaration and Programme of Action (United Nations publication, Sales No. E.96.IV.8, chap. I, resolution 1, annexes I and II) and its recommendation to States of the need to intervene in markets to prevent or counteract market failure, promote stability and long-term investment, ensure fair competition and ethical conduct, and harmonize economic and social development,

Noting with concern the conclusions of the Trade and Development Report 1997 published by the United Nations Conference on Trade and Development (United Nations publication, Sales No. E.97.II.D.8), that since the early 1980s the world economy has been characterized by rising inequality, both between and within countries, that income gaps between North and South have continued to widen, and that the income share of the richest 20 per cent has risen almost everywhere while the income shares of both the poorest 20 per cent and the middle class have fallen, Noting also the conclusions of the Human Development Report 1997 published by the United Nations Development Programme (United Nations publication, Sales No. E.97.IV.1), that although poverty has been dramatically reduced in many parts of the world, a quarter of the world's people remain in severe poverty, that human poverty constitutes a denial of human rights, that unguided globalization had helped to reduce poverty in some of the largest and strongest developing economies but had also produced "a widening gap between winners and losers" among and within countries, and that to create opportunities and not to lose them requires better management of globalization, nationally and internationally,

Recalling the analysis of the effects of globalization contained in both the addendum to the final report of the Special Rapporteur on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution (E/CN.4/Sub.2/1998/8) and the final report of the Special Rapporteur on the question of impunity of perpetrators of human rights violations (economic, social and cultural rights) (E/CN.4/Sub.2/1997/8),

Aware of the continuing negotiations in the Organization for Economic Cooperation and Development on a Multilateral Agreement on Investment, and of the widespread protests by civil society against the Agreement based on concerns about its adverse effects on human rights, the environment and sustainable development,

Concerned about the possible human rights implications of the Multilateral Agreement on Investment and particularly about the extent to which the Agreement might limit the capacity of States to take proactive steps to ensure the enjoyment of economic, social and cultural rights by all people, creating benefits for a small privileged minority at the expense of an increasingly disenfranchised majority,

Noting the statement on globalization and economic, social and cultural rights made by the Committee on Economic, Social and Cultural Rights during its eighteenth session in May 1998, in which the Committee declared that the realms of trade, finance and investment are in no way exempt from human rights obligations and principles and that the international organizations with specific responsibilities in these areas should play a positive and constructive role in relation to human rights, and called in particular for a careful study of the potential impact of the draft Multilateral Agreement on Investment upon the enjoyment of economic, social and cultural rights,

Convinced of the need to re-emphasize the centrality and primacy of human rights obligations in all areas of governance and development, including international and regional trade, investment and financial policies, agreements and practices,

1. Emphasizes that the realization of the human rights and fundamental freedoms described in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the

International Covenant on Civil and Political Rights and other international and regional human rights instruments is the first and most fundamental responsibility and objective of States in all areas of governance and development;

2. Urges United Nations agencies, including the International Monetary Fund and the World Bank, to at all times be conscious of and respect the human rights obligations of the countries with which they work;

3. Urges member States of the Organization for Economic Cooperation and Development to review the draft text of the Multilateral Agreement on Investment to ensure that all its provisions are fully consistent with their human rights obligations, and to keep these obligations in mind during any future negotiations on the Agreement;

4. Decides to entrust Mr. Joseph Oloka-Onyango and Ms. Deepika Udagama with the task of preparing, without financial implications, a working paper on ways and means by which the primacy of human rights norms and standards could be better reflected in, and could better inform, international and regional trade, investment and financial policies, agreements and practices, and how the United Nations human rights bodies and mechanisms could play a central role in this regard;

5. Requests Mr. Oloka-Onyango and Ms. Udagama to include in this paper an analysis of the text of the Multilateral Agreement on Investment from a human rights perspective, and to consider ways to ensure that future negotiations on the Agreement or analogous agreements or measures take place within a human rights framework;

6. Calls for the Office of the United Nations High Commissioner for Human Rights urgently to develop appropriate expertise to address the human rights implications of international and regional trade, investment and financial policies, agreements and practices;

7. Encourages international, national and local human rights non-governmental organizations to development awareness of international trade, investment and financial policies, agreements and practices, and capacity to effectively analyse and monitor the human rights impacts of such policies, agreements and practices;

8. Asks the Committee on Economic, Social and Cultural Rights, and other treaty bodies as appropriate, to include consideration of the human rights impacts of international and regional trade, investment and financial measures in their State reporting procedures.

27th meeting
20 August 1998
[Adopted without a vote. See chap. VI.]

1998/13. Question of the impunity of perpetrators of violations of economic, social and cultural rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1994/34 of 26 August 1994 in which it entrusted Mr. El Hadji Guissé with the task of reporting to it on impunity in respect of violations of economic, social and cultural rights, together with its resolutions 1995/34 of 24 August 1995 and 1996/24 of 29 August 1996,

Considering that the Special Rapporteur submitted in 1995 a first interim report on the question of the impunity of perpetrators of human rights violations (economic, social and cultural rights) (E/CN.4/Sub.2/1995/19), followed by a second interim report (E/CN.4/Sub.2/1996/15) in 1996 and the final report (E/CN.4/Sub.2/1997/8) in 1997,

Recalling in particular its resolution 1997/20 of 27 August 1997 in which it requested the Secretary-General to transmit the final report of the Special Rapporteur to the Commission on Human Rights for consideration, and recommended to the Commission on Human Rights that it consider the possibility of appointing a special rapporteur of the Commission on the impunity of perpetrators of violations of economic, social and cultural rights,

Recommends to the Commission on Human Rights to establish follow-up machinery on the question of the impunity of perpetrators of violations of economic, social and cultural rights.

27th meeting
20 August 1998
[Adopted without a vote. See chap. VI.]

1998/14. Human rights and income distribution

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of additional texts provide unequivocally that every individual is entitled to the full realization of economic, social and cultural rights,

Recalling the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986), the Vienna Declaration and Programme of Action (A/CONF.157/24 (Part I), chap. III), and the results of the World Summit for Social Development held in Copenhagen, and especially the recommendations of its Programme of Action (United Nations publication, Sales No. E.96.IV.8, chap. I, resolution 1, annex II), Recalling also the reports on the realization of economic, social and cultural rights submitted by many special rapporteurs to the Sub-Commission and to the Commission on Human Rights, in particular those submitted by Mr. Danilo Türk, Mr. Asbjørn Eide, Mr. Mustapha Mehedi, Mr. Leandro Despouy and Mr. El Hadji Guissé, as well as many other important reports on economic, social and cultural rights,

Taking account of Mr. Eide's preparatory document on the relationship between the enjoyment of human rights and income distribution (E/CN.4/Sub.2/1994/21) and the reports submitted by Mr. José Bengoa, Special Rapporteur on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and especially the conclusions and recommendations of his final report (E/CN.4/Sub.2/1997/9) and its addendum (E/CN.4/Sub.2/1998/8),

Concerned that the implementation of economic, social and cultural rights has not yet received sufficient attention within the United Nations human rights programme,

Considering that there should be within the United Nations system a place for broader discussion and debates on economic, social and cultural rights,

Taking account of the new challenges of the globalization process, of the changes in the international order, and of the new actors in the international and national economic and financial areas,

1. Welcomes the final report on the relationships between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, submitted by the Special Rapporteur, Mr. José Bengoa, and its addendum, entitled "Poverty, income distribution and globalization: a challenge for human rights";

2. Endorses the conclusion of the final report and especially the recommendation to establish a Social Forum within the Sub-Commission;

3. Requests the United Nations High Commissioner for Human Rights to publish, in a joint publication in the official languages of the United Nations, the preparatory document on the relationship between the enjoyment of human rights and income distribution (E/CN.4/Sub.2/1994/21), submitted by Mr. Asbjørn Eide, Mr. Bengoa's preliminary report (E/CN.4/Sub.2/1995/14), second report (E/CN.4/Sub.2/1996/14), final report (E/CN.4/Sub.2/1997/9) and its addendum (E/CN.4/Sub.2/1998/8), under the title Income Distribution and Human Rights;

4. Decides to submit to the Commission on Human Rights the following draft resolution for adoption:

[For the text, see chap. I, sect. A.]

27th meeting
20 August 1998
[Adopted without a vote. See chap. VI.]

1998/15. Women and the right to land, property and adequate housing

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1998/51 of 17 April 1998 calling for the integration of the human rights of women throughout the United Nations system,

Recalling also Sub-Commission resolutions 1997/19 of 27 August 1997 and 1997/9 of 22 August 1997,

Recalling further the recognition and legal foundations of the right to adequate housing contained in, inter alia, articles 7, 12, 17 and 25, paragraph 1, of the Universal Declaration of Human Rights; article 2, paragraph 2, and article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights; article 2, paragraph 1, and articles 17 and 26 of the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; article 5 (e) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination; articles 4 and 27 of the Convention on the Rights of the Child and article 14, paragraph 2 (g) and (h) and article 16 (h) of the Convention on the Elimination of All Forms of Discrimination against Women,

Reaffirming the right to be free from discrimination based on sex and the equal right of men and women to the enjoyment of all civil, cultural, economic, political and social rights as stipulated in, inter alia, the International Bill of Human Rights,

Bearing in mind the Habitat Agenda (A/CONF.165/14, chap. I, annex II), adopted by the second United Nations Conference on Human Settlements (Habitat II), and the Platform for Action of the Fourth World Conference on Women (United Nations publication, Sales No. E.96.IV.13, chap. I, resolution I, annex II),

Concerned that as a result of the discrimination faced by women with respect to acquiring and securing land, property and housing, the number of women living in poverty is increasingly disproportionate to the number of men and that women's experiences of poverty are particularly severe and prohibit women from escaping from the poverty trap,

Recognizing that the existence and perpetuation of gender-biased laws, policies and traditions which deny women credit and loans and keep women from owning and inheriting land, property and housing and which exclude women from fully participating in development processes discriminate against women and create insecure and inadequate housing and living conditions,

Deeply concerned that inadequate and insecure housing and living conditions give rise to serious mental and physical health problems for women and contribute to, cause and are often the result of violence against women, Stressing that the impact of discrimination and violence against women on women's ability to gain access to and secure land, property and housing is particularly acute for women who are internally displaced as a result of armed conflict situations and development projects,

Concerned that international and regional trade, finance and investment policies often increase gender inequality in terms of access to land, property, housing and other productive resources and undermine women's capacity to gain access to and retain these resources,

Mindful that women's inequality will not always be remedied by the identical treatment of men and women and that adequate remedies may require that women be treated differently from men based on a consideration of women's specific socio-economic context,

1. Affirms that the discrimination faced by women with respect to acquiring and securing land, property and housing, as well as financing for land, property and housing, constitutes a violation of women's human rights to equality, protection against discrimination and the equal enjoyment of the right to an adequate standard of living, including adequate housing;

2. Strongly urges Governments to comply fully with all of their international and regional obligations and commitments concerning women's rights to land, property, inheritance, adequate housing, including security of tenure, and an adequate standard of living;

3. Urges Governments to take all necessary measures in order to amend and/or repeal laws and policies pertaining to land, property and housing which deny women security of tenure and equal access and rights to land, property and housing, to encourage the transformation of customs and traditions which deny women security of tenure and equal access and rights to land, property and housing, and to adopt and enforce legislation which protects and promotes women's rights to own, inherit, lease or rent land, property and housing;

4. Encourages Governments, international agencies and non-governmental organizations to provide judges, lawyers, political and other public officials, community leaders and other concerned persons with information and human rights education concerning women's rights to land, property and housing;

5. Recommends that Governments, international financial institutions, local lending agents, housing finance institutions and other credit facilities review their policies and eliminate those which discriminate against women and keep women from securing financial resources necessary to gain access to and secure land, property and housing and, in this regard, that special consideration be given to single women and households headed by women;

6. Calls upon the international trade, investment and financial institutions, in particular the World Bank, the International Monetary Fund, the World Trade Organization and the Organization for Economic Cooperation and Development, to take fully into account the human rights implications for women of their policies;

7. Invites Governments, the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Centre for Human Settlements and the United Nations Development Fund for Women to allocate resources for further documentation of the impact of internal displacement as a result of armed conflict situations and development projects on women, particularly with respect to women's access to land, property and housing;

8. Invites the United Nations High Commissioner for Human Rights, in pursuance of her mandate and in coordination with the appropriate United Nations bodies, to undertake initiatives that promote women's rights to land, property and an adequate standard of living, including adequate housing;

9. Invites the Committee on the Elimination of Discrimination against Women to pay special attention to women's rights to land, property and an adequate standard of living, including adequate housing, when examining States parties' reports and to explore the possibility of adopting a general recommendation on this theme as it relates, inter alia, to the provisions of article 14 of the Convention on the Elimination of All Forms of Discrimination against Women, with a view to clarifying the obligations of States parties to the Convention in this respect;

10. Invites to the Committee on Economic, Social and Cultural Rights to undertake a thorough discussion of the critical issue of the relationship between women's rights to land and property and the International Covenant on Economic, Social and Cultural Rights and to include the results of this discussion in its general comment on women.

29th meeting
21 August 1998
[Adopted without a vote. See chap. VII.]

1998/16. Traditional practices affecting the health of women and the girl child

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1997/8 of 22 August 1997,

Affirming that female genital mutilation is a cultural practice which profoundly affects the physical and mental health of the girl child and of the women who are its victims,

Recalling that the Universal Declaration of Human Rights, in its article 5, and the International Covenant on Civil and Political Rights, in its article 7, proclaim that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, Taking note with appreciation of the second report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child by the Special Rapporteur, Ms. Halima Embarek Warzazi (E/CN.4/Sub.2/1998/11), and noting the poor response to her inquiries as well as the lack of appropriate resources to effectively carry out her mandate to follow up and monitor developments,

Sharing the Special Rapporteur's deep concern for the situation in many countries where harmful traditional practices prevail,

Regretting the inadequate response from Governments in respect of the Plan of Action adopted by the Sub-Commission (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1),

Emphasizing the centrality of the Plan of Action to the eradication of harmful traditional practices and the relevance of the conclusions reached at the regional seminars held in Burkina Faso (E/CN.4/Sub.2/1991/48) and Sri Lanka in 1994 (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1),

Recalling that the Sub-Commission took the lead on the issue of harmful traditional practices by adopting resolution 1983/1 of 31 August 1983 which began the process of drawing world attention to the problems raised by some traditional practices affecting the health of women and the girl child at a time when the subject was considered taboo and rarely treated seriously within the public domain,

Noting the report of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme (E/CN.4/1999/3, annex) which, inter alia, highlights the need for enhanced cooperation on the part of all actors to ensure dissemination of the recommendations of the special rapporteurs to a wider audience, especially within other departments and agencies of the United Nations, and to assist in encouraging States to implement the recommendations fully,

Expressing its satisfaction for the progress realized in certain countries in the elimination of harmful traditional practices such as female genital mutilation and encourages the Governments concerned to sustain their efforts in this field,

Noting with satisfaction General Assembly resolution 52/99 of 12 December 1997 in which the Assembly decided to invite the Commission on Human Rights to address this issue at its fifty-fourth session and to request the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the resolution,

1. Appeals to all States concerned to intensify efforts to develop awareness of and mobilize national public opinion concerning the harmful effects of the practice of female genital mutilation, in particular through education, information and training, in order to achieve its total elimination;

2. Appeals to the international community to provide material, technical and financial support to the non-governmental organizations and groups working with dedication to achieve the total elimination of this cultural practice which is harmful to girl children and women;

3. Commends the intergovernmental organizations concerned for their important contribution to the efforts to eliminate harmful traditional practices and invites them to continue their activities aimed at supporting and strengthening the efforts being made by national and local organizations engaged in this struggle;

4. Calls upon all States to give their full attention to the implementation of the Plan of Action on the elimination of traditional practices affecting the health of women and children and requests the Secretary-General to invite them to submit to the Sub-Commission regular information on the situation regarding traditional practices in their country;

5. Recommends that the mandate of the Special Rapporteur be extended to ensure the completion of her task as called for in its resolution 1996/19 of 19 August 1996 and at the same time to enable her to follow up recent developments at all levels, including the General Assembly;

6. Recommends that adequate administrative services be provided to ensure that the work required of the Special Rapporteur can take place with a reasonable chance of success;

7. Recommends that the High Commissioner for Human Rights recognize that the issue of traditional practices is a matter for both research and programme activities;

8. Recommends that appropriate resources be made available to allow the Special Rapporteur to adequately follow up progress relating to the implementation of the Plan of Action;

9. Requests the Special Rapporteur to submit her report on the follow-up to the implementation of the Plan of Action to the Sub-Commission at its fifty-first session;

10. Decides to continue its consideration of this question at its fifty-first session under the same agenda item;

11. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 3.]

29th meeting
21 August 1998
[Adopted without a vote. See chap. VII.]

1998/17. Situation of women in Afghanistan

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the spirit of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and bearing particularly in mind article 13, paragraphs 1 and 2, of the Universal Declaration of Human Rights and article 12, paragraphs 1, 2 and 3, of the International Covenant on Civil and Political Rights which guarantee that everyone shall have the right to complete freedom of movement within the territory in which he/she is a lawful resident, and that everyone shall be free to leave any country, including his/her own,

Mindful of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Political Rights of Women,

Noting the recommendation contained in article 3, paragraph 3, of the World Declaration on Education for All, adopted by the World Conference on Education for All: Meeting Basic Needs, held in Jomtien, Thailand, in March 1990, which states that the most urgent priority is to ensure access to, and improve the quality of, education for girls, and of article 28, paragraph 1, of the Convention on the Rights of the Child, which stipulates that States shall recognize the right of all children to education and to have, on the basis of equal opportunity, universal access to primary education,

Deeply concerned at the situation of the female population of Kabul and the other parts of Afghanistan controlled by the Taliban,

Dismayed by the Taliban's claim that Islam supports their policies concerning women,

Fully aware that the Cairo Declaration on Human Rights in Islam, adopted by the Organization of the Islamic Conference in 1990, guarantees the rights of women in all fields,

Aware that the Special Rapporteur on the situation of human rights in Afghanistan, in his report to the Commission on Human Rights at its fifty-fourth session (E/CN.4/1998/71), dealt with the general situation in the country, including briefly with the situation of women, but concerned that the Commission has not given the required attention to human rights in relation to women and girls, as requested in the Beijing Declaration and Platform for Action (United Nations publication, Sales No. E.96.IV.13, chap. I, resolution 1, annexes I and II),

1. Takes note of the numerous reports dealing with the unprecedented and extremely difficult situation of women in Kabul and the other parts of Afghanistan controlled by the Taliban, in particular widows who cannot support themselves because they are not permitted to work or to benefit from humanitarian assistance, which is given only to men;

2. Expresses its deep concern at the continuous suffering of Afghan women under the prohibitions placed upon them by the Taliban, which include confinement to the home and other restrictions on their freedom of movement, as well as denial of the right to work, denial of education and limitations on their access to medical care;

3. Considers that the current policies of the Taliban as regards the female population of the territories under their control constitute a flagrant violation of the principles of Islam and international law;

4. Calls upon Muslim religious leaders and scholars to give special attention to the plight of women in Afghanistan with a view to bringing the policies and practices of the Taliban into line with the true spirit of Islam and human rights law;

5. Appeals to all States not to encourage the Taliban by extending diplomatic recognition to them, and appeals to commercial enterprises to refrain from entering into financial agreements with the regime until the Taliban ends its discriminatory treatment of women;

6. Requests the Secretary-General to provide the Sub-Commission with all relevant information on this question that is available within the United Nations system;

7. Decides to continue consideration of this question at its fifty-first session under the same agenda item.

29th meeting
21 August 1998
[Adopted without a vote. See chap. VII.]

1998/18. Systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1993/24 of 25 August 1993 and its decision 1994/109 of 19 August 1994, establishing the mandate and the framework for the study on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict, as well as Commission on Human Rights decision 1994/103 of 4 March 1994,

Taking note in particular of its decision 1997/114 of 27 August 1997, in which the Sub-Commission entrusted Ms. Gay J. McDougall with the task of completing the study and to submit it to the Sub-Commission at its fiftieth session, Welcoming the provisions of the Rome Statute of the International Criminal Court, adopted on 17 July 1998 at the United Nations Conference of Plenipotentiaries, which specifically recognize that sexual violence and sexual slavery committed in the context of either an internal or an international armed conflict may constitute crimes against humanity and war crimes falling within the jurisdiction of the Court,

Encouraged that the Rome Statute of the International Criminal Court also devotes useful attention to the protection and rehabilitation of victims of sexual violence, along with significant protections for the collection of evidence and the testimony of witnesses in cases involving gender-related violence and sexual slavery,

Welcoming with great interest the final report on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict (E/CN.4/Sub.2/1998/13),

1. Expresses its appreciation to the Special Rapporteur for having completed this study in a timely fashion and at a crucial point in the development of international criminal law;

2. Endorses the accepted view that regardless of whether sexual violence in armed conflict occurs on an apparently sporadic basis or as part of a comprehensive plan to attack and terrorize a targeted population, all acts of sexual violence, in particular during armed conflicts and including all acts of rape and sexual slavery, must be condemned and prosecuted;

3. Reiterates the study's conclusion that the existing international legal frameworks of humanitarian law, human rights law and criminal law clearly prohibit and criminalize sexual violence and sexual slavery in all circumstances;

4. Strongly endorses the Special Rapporteur's call for national and international responses to the increasing occurrence during armed conflicts, including internal armed conflicts, of acts of sexual violence and sexual slavery;

5. Calls upon all States to enact and enforce legislation incorporating relevant international criminal law into their municipal legal systems to allow for the effective prosecution in municipal courts of all acts of sexual violence committed during armed conflict;

6. Also calls upon all States to consider enacting legislation as required by the Geneva Conventions of 12 August 1949 to provide jurisdiction in their municipal courts for serious international crimes committed in other States, thereby increasing the potential venues in which acts of sexual violence may be prosecuted;

7. Affirms at the same time that all States must ensure that their legal systems at all levels conform to their international obligations and are capable of adjudicating international crimes and administering justice without gender bias;

8. Recognizes the need to support and strengthen the ability of the International Criminal Court to prosecute all cases of sexual violence committed during armed conflicts as human rights and humanitarian law violations;

9. Reiterates that States must respect their international obligations to prosecute perpetrators and compensate all victims of human rights and humanitarian law violations;

10. Welcomes the recommendation of the final report that it would be useful for the United Nations to organize an expert meeting in 1999 to adopt guidelines for the effective prosecution of international crimes of sexual violence at both national and international levels, with the participation of United Nations organs dealing with human rights, specialized agencies, members of the established international tribunals, a diverse group of legal practitioners representing the world's judicial systems, and relevant governmental and non-governmental experts and organizations;

11. Requests the Secretary-General to transmit the final report of the Special Rapporteur to Governments, competent bodies of the United Nations, specialized agencies, regional intergovernmental organizations, the International Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia, and to the Assembly of States Parties of the International Criminal Court;

12. Recommends that the final report of the Special Rapporteur be published by the United Nations in all the official languages and widely distributed by the Office of the United Nations High Commissioner for Human Rights;

13. Requests that the Special Rapporteur's mandate be extended for a further year and that Ms. McDougall, as Special Rapporteur, submit an update on recent developments with respect to her mandate to the Sub-Commission at its fifty-first session, under the same agenda item;

14. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 4.]

29th meeting
21 August 1998
[Adopted without a vote. See chap. VIII.]

1998/19. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-third session (E/CN.4/Sub.2/1998/14) and, in particular, the recommendations contained in chapter VI,

Deeply concerned at the information it contains relating to the exploitation of domestic and migrant workers, slave and child labour, the sexual exploitation of children and the exploitation of the prostitution of others, and the illegal activities of certain religious and other sects,

Noting that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

Considering the necessity of promoting the implementation of international norms and standards on trafficking in persons and exploitation of the prostitution of others, and of creating a mechanism for the implementation of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Acknowledging that the Internet can be a valuable medium of communication, and noting that article 19 of the Universal Declaration of Human Rights identifies the right to freedom of expression as a fundamental human right and that all recommendations must be implemented to protect this right,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued attention to the problems submitted to it;

2. Recommends once again that the General Assembly express its solidarity with the victims of contemporary forms of slavery by proclaiming 2 December as the international day for the abolition of slavery in all its forms;

I. TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

3. Urges States to address the factors contributing to the traffic in persons and the exploitation of the prostitution of others;

4. Encourages States to enact and revise national laws to ensure adequate protection and assistance to victims and survivors of trafficking and the exploitation of prostitution, to develop and enforce laws and law enforcement strategies that depenalize these victims while penalizing those who exploit them, to provide for a system of civil compensation from their

exploiters and to promote the reintegration of the victims and survivors of trafficking and related practices of sexual exploitation through the provision of shelter, counselling, medical care, legal services, education, job training and employment;

5. Also encourages States to review, amend and enforce existing laws or to enact new laws on trafficking, the exploitation of prostitution, forced labour and slavery-like practices to ensure that prosecution and punishment are appropriate to the seriousness of the crime;

6. Urges States to strengthen the monitoring, prosecution and punishment of police and government officials who are responsible for complicity in trafficking and the exploitation of prostitution, as well as to adopt policies for active monitoring, prosecution and punishment of such activities;

7. Once again invites States to formulate training manuals for law enforcement and medical personnel and judicial officers who handle cases of gender-based violence, taking into account current research and materials on traumatic stress and gender-sensitive counselling techniques, with a view to sensitizing them to the needs of the victims;

8. Encourages States to facilitate, through financial support and other means, the efforts of non-governmental organizations in their work in this field;

9. Also encourages States to collaborate with non-governmental organizations which have expertise in the field to develop national plans of action in accordance with the 1996 Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1), to ensure the coordination of laws and implementing agencies relevant to the prevention of trafficking and the exploitation of prostitution and the empowerment of their victims and survivors, and to transmit such plans of action to the Working Group on Contemporary Forms of Slavery for its consideration;

10. Invites the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child to elaborate general recommendations to clarify State reporting procedures with regard to the traffic in persons and related practices of sexual exploitation;

11. Decides to follow closely the work being done on the proposed optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the proposed optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

12. Invites States, United Nations bodies, specialized agencies and intergovernmental, regional and non-governmental organizations to provide information to the Working Group at its twenty-fourth session on aspects of trafficking and the exploitation of the prostitution of others, as well as the measures taken or necessary to implement the 1996 Programme of Action;

13. Expresses its appreciation to the Special Rapporteur on the sale of children, child prostitution and child pornography for her role in making the sexual exploitation of children a matter of national and international concern and priority;

14. Invites the Special Rapporteur on the sale of children, child prostitution and child pornography to continue to address, within her mandate, the problem of trafficking and related practices of exploitation and to recommend specific measures to strengthen the regime against the traffic in persons and the exploitation of the prostitution of others;

15. Invites the Special Rapporteur on violence against women to follow up her investigation on the traffic in women and girls and related sexual exploitation as reflected in her report to the Commission on Human Rights at its fifty-third session (E/CN.4/1998/54 and Add.1) and to conduct studies and engage in a consultative process with Governments, non-governmental organizations and other interested persons on issues such as: (a) an assessment of the global sex industry and measures to identify and penalize the perpetrators of the global sex trade; (b) the legal status of prostitution and the decriminalization of the victims of trafficking and the exploitation of prostitution; (c) international standards regarding the prevention of trafficking and related practices of sexual exploitation and the protection of its victims; (d) the rights of victims and survivors of trafficking and the exploitation of prostitution, including the right to compensation from their exploiters; and (e) the responsibility of the customer in creating a demand for trafficking and the exploitation of the prostitution of others;

16. Decides that the Working Group on Contemporary Forms of Slavery should examine during its twenty-fourth session in 1999, as a matter of priority and with the active participation of non-governmental organizations, the issue of the traffic in persons and the exploitation of the prostitution of others;

17. Invites the Special Rapporteur on violence against women and the Special Rapporteur on the sale of children, child prostitution and child pornography to make their contribution to the debate on the traffic in persons and the exploitation of the prostitution of others;

18. Encourages all interested States, United Nations bodies, specialized agencies, international, regional and non-governmental organizations and interested persons to participate actively in the debate;

19. Welcomes the initiative of non-governmental organizations to organize, without financial implications for the United Nations, a seminar on the issue of the traffic in persons and the exploitation of the prostitution of others, to take place immediately prior to the debate on the issue during the twenty-fourth session of the Working Group;

II. PREVENTION OF THE TRANS-BORDER TRAFFIC IN WOMEN AND GIRLS FOR SEXUAL EXPLOITATION

20. Declares that trans-border trafficking of women and girls for sexual exploitation is a contemporary form of slavery and constitutes a serious violation of human rights;

21. Recommends that States take immediately effective measures to suppress the trans-border traffic of women and girls for sexual exploitation by rigorously applying relevant provisions of applicable treaties and conventions, customary international law and national legislation;

22. Urges States to review and amend existing laws or to enact new laws to arrest, prosecute and punish the perpetrators of the trans-border traffic of women and girls for sexual exploitation;

23. Requests States to take appropriate legislative, administrative and judicial measures to extend full protection to the victims of trans-border trafficking of women and girls for sexual exploitation, regardless of their nationality, national origin, citizenship, or their legal status as aliens through measures such as depenalizing the victims and providing them with adequate shelter, food, clothing, medical care, counselling, legal services, education, job training and employment;

24. Also requests States to cooperate, bilaterally and multilaterally, to monitor and combat effectively trans-border trafficking of women and girls for sexual exploitation;

25. Recommends that the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women address, within their respective mandates, the problem of the trans-border traffic of women and girls for sexual exploitation and make recommendations to prevent and eradicate this problem;

26. Calls upon States, United Nations bodies, specialized agencies and international, regional and non-governmental organizations to cooperate in monitoring the problem of the trans-border traffic in women and girls for sexual exploitation and in identifying areas for immediate action, particularly with regard to the protection and empowerment of its victims;

III. THE ROLE OF CORRUPTION IN THE PERPETUATION OF SLAVERY AND SLAVERY-LIKE PRACTICES

27. Urges all States to take adequate steps to monitor and enforce laws, particularly as they relate to slavery, slavery-like practices and corruption, including trafficking in women and children;

28. Urges States to examine and analyse the causes and the consequences of corruption and to take steps to eradicate the root causes;

29. Encourages existing international arrangements which aim to improve the training and professionalism of law enforcement personnel as well as their respect for human rights;

30. Decides to consider further and in depth the extent and severity of corruption and the relationship of corruption to slavery and slavery-like practices;

IV. MISUSE OF THE INTERNET FOR THE PURPOSE OF SEXUAL EXPLOITATION

31. Recommends that Governments, as a matter of priority, review, amend and enforce existing laws or enact new laws to prevent the misuse of the Internet for trafficking, prostitution and the sexual exploitation of women and children;

32. Recommends that Governments and non-governmental organizations undertake further investigation of the misuse of the Internet for the purpose of promoting and/or carrying out trafficking, prostitution and the sexual exploitation of women and children;

33. Urges Governments to act more forcefully to eliminate the traffic in persons, the exploitation of the prostitution of others and sexual exploitation on the Internet;

34. Recommends that Governments and non-governmental organizations develop and implement educational programmes and policies and laws addressing the use of the Internet for the purpose of engaging in sexual exploitation;

35. Recommends that Governments investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape;

36. Calls for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the escalating trafficking and prostitution of women and children, the globalization of this industry, and the misuse of the Internet to promote and carry out acts of sex trafficking, sex tourism, sexual violence and sexual exploitation;

V. IMPLEMENTATION OF THE CONVENTIONS ON SLAVERY

37. Recognizes the particular problem raised by the implementation of the provisions of these instruments for both States parties and the United Nations human rights mechanisms, as well as the limited progress made so far;

38. Calls upon Governments to recognize and accept national non-governmental organizations as privileged partners in cooperation for the purpose of identifying solutions aimed at eradicating all forms of slavery and slavery-like practices;

VI. CHILD DOMESTIC WORKERS

39. Expresses its appreciation to the International Labour Organization for hosting the non-governmental round-table discussion on "Invisible child labour: girls and domestic workers" during the 1998 International Labour Conference;

40. Urges States, while attempting ultimately to eliminate the phenomenon of child domestic labour, to adopt and enforce measures and regulations to protect child domestic workers and to ensure that their labour is not exploited;

41. Recommends that the International Labour Organization continue to focus on the issue of child domestic workers and that the subject of child domestic work be more explicitly addressed in the future convention on intolerable forms of child labour;

42. Also recommends that the International Labour Organization establish additional country programmes within its International Programme on the Elimination of Child Labour;

43. Expresses its deep appreciation to the Governments which have generously contributed to the International Programme on the Elimination of Child Labour and calls upon all Governments to make additional contributions to the Programme;

VII. CHILD LABOUR - A GENDER PERSPECTIVE

44. Welcomes the proposal for new international labour standards on intolerable forms of child labour;

45. Urges the International Labour Organization, when defining intolerable forms of child labour as part of the new labour standards it is preparing, to consider the situation of girls doing domestic work;

46. Calls upon States to eliminate all discrimination against girls in education, skills development and training;

47. Requests States to enforce laws and regulations which ensure that no girl of primary-school age is employed as a domestic;

48. Invites the international community to cooperate in developing viable alternatives to child labour, in particular for young girls;

VIII. DEBT BONDAGE AND BONDED LABOUR

49. Notes with satisfaction that some countries have taken action to end debt bondage, the rehabilitation programmes of the Government of India and the special investigative team authorized by the Government of Brazil being good examples;

50. Urges States to enact specific legislation to define the offence of debt bondage and to provide for the punishment of those responsible and for the rehabilitation of the victims;

51. Urges States to support rehabilitation of the victims of debt bondage through economic, social and educational programmes;

52. Recommends that the countries in which debt bondage occurs be invited to attend the Working Group on Contemporary Forms of Slavery in order to facilitate dialogue and the consideration of best practice;

53. Invites the International Labour Organization, the World Bank, the International Monetary Fund, the World Trade Organization and other international bodies to consider debt bondage when they establish their policies;

54. Recommends that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

55. Invites international bodies to investigate the role of micro-credit as a mechanism for the eradication of debt bondage;

56. Expresses its deep appreciation to the States and non-governmental organizations which have developed and generously contributed to programmes supporting the economic and social rehabilitation of bonded labourers;

IX. PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

57. Expresses its concern at the persistence and growth of the sale of children, child prostitution and child pornography, and its belief that these phenomena must be combated;

58. Requests the Secretary-General to invite all States to inform the Working Group on Contemporary Forms of Slavery of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and to report thereon to the Commission on Human Rights at its fifty-sixth session and to the Sub-Commission at its fifty-second session;

X. MISCELLANEOUS

59. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations

on proposals for future action of the Working Group on Contemporary Forms of Slavery with a view to their replies being considered at forthcoming sessions of the Working Group;

60. Appeals to all Governments to send observers to the meetings of the Working Group;

61. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

62. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and include in their guidelines an item concerning contemporary forms of slavery;

63. Recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

64. Requests the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group on Contemporary Forms of Slavery;

65. Welcomes once again the adoption by the Commission on Human Rights of resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the United Nations High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Office on issues relating to contemporary forms of slavery;

66. Again requests the Secretary-General to designate the Office of the United Nations High Commissioner for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system on the suppression of contemporary forms of slavery;

67. Recalls that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission

on Human Rights of the recommendation made by the Sub-Commission, in its resolution 1992/2 of 14 August 1992, that the arrangements regarding the organization of the sessions of the Working Group, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

68. Decides to make provision in its agenda for adequate discussion near the commencement of each session of the report of the Working Group, thereby strengthening its involvement in the activities of the Working Group.

29th meeting
21 August 1998
[Adopted without a vote. See chap. VIII.]

1998/20. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 46/122 of 17 December 1991 by which it established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery,

Recalling also the close relationship between the mandate and activities of the Working Group and those of the Board of Trustees of the Trust Fund and the necessary cooperation between them,

Welcoming Commission on Human Rights resolution 1997/20 of 11 April 1997 requesting the Secretary-General to transmit to Governments an appeal for contributions to the Fund,

Concerned at the insufficiency of contributions to the Fund, which prevents it from effectively fulfilling its mandate,

1. Notes with satisfaction the participation of the representatives of non-governmental organizations financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and their valuable contribution to the work of the Working Group on Contemporary Forms of Slavery at its twenty-third session;

2. Expresses its appreciation for the contributions made by donors;

3. Encourages the activities of those non-governmental organizations financed by the Fund;

4. Expresses its support for the work of the members of the Board of Trustees of the Fund, in particular their fund-raising activities;

5. Urges all Governments, non-governmental organizations, other private and public entities and individuals to contribute annually to the Fund in order to enable the Fund to fulfil its mandate effectively;

6. Encourages all donors who have pledged a contribution to the Fund to contribute as soon as possible;

7. Emphasizes the need for contributions to the Fund on a regular basis and, if possible, before the end of the current year, in order to enable the Board of Trustees to recommend grants to assist representatives of organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery at its twenty-fourth session and to finance projects of humanitarian assistance by non-governmental organizations in the field;

8. Invites the members of the Board of Trustees of the Fund in a position to do so to participate at the twenty-fourth session of the Working Group;

9. Decides to continue to examine the situation and the activities of the Fund at its fifty-first session under the same agenda item.

29th meeting
21 August 1998
[Adopted without a vote. See chap. VIII.]

1998/21. Study on indigenous land rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Acknowledging that indigenous peoples in many countries have been deprived of their human rights and fundamental freedoms and that many of the human rights problems faced by indigenous peoples are linked to the historical and continuing deprivation of ancestral rights over lands, territories and resources,

Recognizing the profound spiritual, cultural, social and economic relationship that indigenous peoples have to their total environment and the urgent need to respect and recognize the rights of indigenous peoples to their lands, territories and resources,

Acknowledging that lack of secure land rights, in addition to continued instability of State land tenure systems and impediments to efforts for the promotion and protection of indigenous communities and the environment, are imperilling the survival of indigenous peoples, Recognizing that United Nations organs and Member States have increasingly acknowledged that land and natural resources are essential to the economic and cultural survival of indigenous peoples, and that some States have enacted legal measures that uphold indigenous land rights or have established procedures for arriving at legally binding agreements on indigenous land-related issues,

Mindful of the development of relevant international standards and programmes which promote and affirm the rights of indigenous peoples to their lands and resources, in particular, the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization, Agenda 21 adopted by the United Nations Conference on Environment and Development (United Nations publication, Sales No. E.93.I.8 and corrigenda, vol. I, resolution 1, annex II), World Bank Operational Directive 4.20, the draft Inter-American declaration on the rights of indigenous peoples developed by the Inter-American Commission on Human Rights of the Organization of American States, and the draft United Nations declaration on the rights of indigenous peoples,

Recognizing that despite these international and national advances, problems continue to abound which impede the effective enjoyment of indigenous land rights,

Recalling that many States in which indigenous peoples live have yet to enact laws or policies regarding indigenous land claims or in other instances have not provided adequate implementing mechanisms concerning indigenous land rights that are mutually acceptable to the parties concerned,

Noting the important working paper prepared by Mrs. Erica-Irene Daes (E/CN.4/Sub.2/1997/17 and Corr.1), which was considered by the Sub-Commission at its forty-ninth session,

Recalling its resolution 1996/38 of 29 August 1996 in which it recommended to the Commission on Human Rights the appointment of Mrs. Daes as Special Rapporteur to conduct a comprehensive study on indigenous land rights,

Recalling also decision 1997/114 of 11 April 1997 of the Commission on Human Rights and decision 1997/289 of 22 July 1997 of the Economic and Social Council, by which Mrs. Daes was appointed as Special Rapporteur with the mandate to prepare two working papers on indigenous peoples and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard,

Having heard the comprehensive and important introductory statement of the Special Rapporteur on indigenous peoples and their relationship to land,

Having considered the comprehensive progress report on the working paper on indigenous peoples and their relationship to land submitted by the Special Rapporteur (E/CN.4/Sub.2/1998/15),

1. Expresses its deep appreciation and thanks to the Special Rapporteur, Ms. Erica-Irene Daes, for her introductory statement and her progress report on the working paper on indigenous peoples and their relationship to land;

2. Requests the Secretary-General to transmit as soon as possible the progress report on the working paper on indigenous people and their relationship to land, together with the preliminary working paper on the same topic (E/CN.4/Sub.2/1997/17 and Corr.1), to Governments, indigenous peoples and intergovernmental and non-governmental organizations for their comments, data and suggestions;

3. Requests the Special Rapporteur to prepare her final working paper on the basis of the comments and information received from Governments, indigenous peoples and others and to submit it to the Working Group on Indigenous Populations at its seventeenth session and to the Sub-Commission at its fifty-first session;

4. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 5.]

29th meeting
21 August 1998
[Adopted without a vote. See chap. IX.]

1998/22. International Decade of the World's Indigenous People

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 48/163 of 21 December 1993, in which the Assembly proclaimed the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is the strengthening of international cooperation for the solution of problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health,

Recalling further General Assembly resolution 50/157 of 21 December 1995, in which the Assembly adopted the comprehensive programme of activities for the International Decade of the World's Indigenous People, Recalling the requests by the General Assembly, in it resolutions 50/157 and 52/108 of 12 December 1997, to assess the objectives of the Decade by quantifiable outcomes that will improve the lives of indigenous peoples and to evaluate the objectives halfway through the Decade and at its end,

Having considered the report of the Working Group on Indigenous Populations on its sixteenth session (E/CN.4/Sub.2/1998/16),

1. Welcomes the observance of the International Day of the World's Indigenous People on 9 August;

2. Recommends that the celebration of the International Day of the World's Indigenous People be held on the first day of the seventeenth session of the Working Group on Indigenous Populations in order to ensure as great a participation of indigenous peoples as possible;

3. Welcomes the decision by the General Assembly in its resolution 52/108 of 12 December 1997 to appoint the United Nations High Commissioner for Human Rights as Coordinator for the International Decade of the World's Indigenous People;

4. Recommends that the Coordinator for the Decade consider holding a special fund-raising meeting with interested permanent missions and the members of the Advisory Group to encourage financial contributions to the Voluntary Fund for the Decade and the United Nations Voluntary Fund for Indigenous Populations, as well as the appointment of qualified staff, including indigenous persons, to assist with the work of the Office of the United Nations High Commissioner for Human Rights relating to the indigenous programme;

5. Urges Governments and intergovernmental and non-governmental organizations to contribute to the Voluntary Fund for the Decade established by the Secretary-General, and invites indigenous organizations to do likewise;

6. Recommends that attention continue to be given to improving the extent of the participation of indigenous peoples in planning and implementing the activities of the Decade;

7. Also recommends that in accordance with General Assembly resolution 50/157 of 21 December 1995, the draft United Nations declaration on the rights of indigenous peoples be adopted as early as possible during the International Decade;

8. Welcomes Commission on Human Rights resolution 1998/20 of 9 April 1998 in which the Commission decided to establish an open-ended inter-sessional ad hoc working group on the permanent forum for indigenous peoples in the United Nations system;

9. Recommends that the permanent forum be established as soon as possible in the course of the Decade with functions that do not duplicate

those already conferred on the Working Group on Indigenous Populations, financed through the regular budget of the United Nations and securing full participation of all interested indigenous peoples;

10. Congratulates the Advisory Group for the Voluntary Fund for the Decade for the work it has accomplished, for its initiatives and for the transparency of its working methods and decisions;

11. Expresses its appreciation to the Government of Spain for hosting the Workshop of Indigenous Journalists in January 1998;

12. Encourages the High Commissioner for Human Rights to consider organizing a follow-up workshop to put into practice the recommendations arising from the Workshop;

13. Recommends that the Commission on Human Rights request the Economic and Social Council to authorize the Office of the United Nations High Commissioner for Human Rights to organize a three-day technical meeting immediately prior to the seventeenth session of the Working Group on Indigenous Populations in order to undertake the mid-point review of the Decade;

14. Emphasizes the importance of ensuring the largest possible indigenous participation at the technical meeting;

15. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

29th meeting
21 August 1998
[Adopted without a vote. See chap. IX.]

1998/23. Working Group on Indigenous Populations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous peoples, Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

Taking note with appreciation of the report of the Working Group on Indigenous Populations on its sixteenth session (E/CN.4/Sub.2/1998/16) and, in particular, of its conclusions and recommendations,

Recalling Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous people,

Welcoming the decision of the Working Group on Indigenous Populations to highlight the specific theme of "Indigenous peoples - education and language" during its sixteenth session and the fruitful discussions on this theme and on indigenous peoples' health, standard-setting exercises, the permanent forum for indigenous peoples and the International Decade of the World's Indigenous People,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20, and Part II, paragraphs 28 to 32, of the Vienna Declaration and Programme of Action (A/CONF.157/24 (Part I), chap. III),

1. Expresses its deep appreciation to the Working Group on Indigenous Populations and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene Daes, for the important and constructive work accomplished during its sixteenth session;

2. Requests the Secretary-General to transmit the report of the Working Group on its sixteenth session (E/CN.4/Sub.2/1998/16) to the United Nations High Commissioner for Human Rights, indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups;

3. Requests that the report of the Working Group be made available to the Commission on Human Rights at its fifty-fifth session;

4. Recommends that the Working Group cooperate as a body of experts in any conceptual clarifications or analysis, which might assist the working group established by the Commission on Human Rights in its resolution 1995/32 of 3 March 1995 to elaborate further the draft United Nations declaration on the rights of indigenous peoples;

5. Welcomes the invitation from the Director-General of the United Nations Educational, Scientific and Cultural Organization offering to host the seventeenth session of the Working Group on Indigenous Populations at the organization's headquarters in Paris;

6. _Endorses_ the decision taken by the Working Group, in view of the concerns expressed by a number of indigenous organizations, not to take a final decision on the invitation until it receives information at its seventeenth session on the results of the consultations with their communities on this issue;

7. _Recommends_ that the Working Group on Indigenous Populations at its seventeenth session adopt as the principal theme "Indigenous peoples and their relationship to land";

8. _Takes note_ of the Working Group's decision to request Mr. Miguel Alfonso Martínez to submit to its eighteenth session a preliminary working paper on possible principles and guidelines for private sector energy and mining concerns that may affect indigenous lands, in the light of the opinions expressed on this issue during the debates at its fifteenth and sixteenth sessions and those that may be expressed during the seventeenth session;

9. _Requests_ the Commission on Human Rights to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on the principal theme, to the Working Group at its seventeenth session;

10. _Requests_ the High Commissioner to encourage studies with respect to the rights to food and adequate nutrition of indigenous peoples as they relate to their access to land, cultural heritage and health and, as appropriate, to call for an international workshop on the theme with the participation of Governments, United Nations bodies, programmes and organizations, indigenous and non-governmental organizations and independent experts, with a view to evaluating the present access to adequate food and the nutritional status of indigenous peoples and contributing to practical measures to improve the situation;

11. _Requests_ the Chairperson-Rapporteur of the Working Group to inform the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations that the Working Group at its seventeenth session will highlight the principal theme of "Indigenous peoples and their relationship to land", so that the Board can bear this in mind when it meets for its twelfth session;

12. _Requests_ the Secretary-General to prepare an annotated agenda for the seventeenth session of the Working Group;

13. _Requests_ the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group to meet for five working days prior to the fifty-first session of the Sub-Commission;

14. _Recommends_ to the Commission on Human Rights the following draft decision for adoption:

[For the text, see chap. I, sect. B, draft decision 7.]

29th meeting
21 August 1998
[Adopted without a vote. See chap. IX.]

1998/24. Prevention of discrimination against and the protection of minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting Commission on Human Rights resolution 1998/19 of 9 April 1998 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, in which the Commission, inter alia, decided to renew the mandate of the Working Group on Minorities so that it would hold one session of five working days annually,

Having considered the report of the Working Group on its fourth session (E/CN.4/Sub.2/1998/18) and in particular the conclusions and recommendations contained in paragraph 108 thereof,

Welcoming the extensive progress made by the Working Group at its fourth session,

Disturbed at the widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

Reiterating that States, minorities and majorities need to search for peaceful and constructive solutions to problems affecting minorities,

Emphasizing the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

Recalling its resolution 1982/31 of 10 September 1982 on the study of the problem of discrimination against indigenous populations, in which it requested the establishment of a fund for the purpose of allowing representatives of indigenous populations to attend the Working Group on Indigenous Populations,

Recalling its resolution 1997/5 of 21 August 1997 in which the Working Group on Minorities was called upon to consider how the Sub-Commission in its future work might usefully address the continuing legal, political and economic legacies of the African slave trade as experienced by Black communities throughout the Americas,

1. Endorses the conclusions and recommendations of the Working Group on Minorities as contained in the report on its fourth session (E/CN.4/Sub.2/1998/18);

2. Welcomes the recommendation of the Working Group to request its members to prepare working papers on thematic issues;

3. Also welcomes the participation in the Working Group of representatives of treaty bodies, of other human rights mechanisms, and of relevant special rapporteurs;

4. Appeals to all States, specialized agencies, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

5. Requests the Secretary-General to invite States, specialized agencies, other United Nations organs and bodies, non-governmental organizations and scholars to provide comments to the Working Group on the Commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (E/CN.4/Sub.2/AC.5/1998/WP.1) submitted to the Working Group at its fourth session by its Chairman, Mr. Asbjørn Eide;

6. Requests the Secretary-General to invite United Nations bodies and specialized agencies, including the World Bank and the International Monetary Fund, to provide information to the Working Group on their activities and programmes in the field of minority protection;

7. Welcomes the seminar held prior to the fourth session of the Working Group on the role of the media in protecting minorities and urges the Working Group to give due consideration to the recommendations thereof at its fifth session;

8. Urges the Working Group to include in its agenda an item on issues relating to the legacies of the slave trade on the Black communities throughout the Americas;

9. Recommends that the Commission consider the establishment of a voluntary fund to enable members of minorities to participate in the Working Group;

10. Recommends that the Office of the United Nations High Commissioner for Human Rights be strengthened to enable it to provide adequate services to the Working Group and to undertake relevant studies, evaluation and action;

11. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 8.]

35th meeting
26 August 1998
[Adopted without a vote. See chap. X.]

1998/25. Draft international convention on the protection of all persons from enforced disappearance

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 47/133 of 18 December 1992 by which the Assembly proclaimed the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States and urged that all efforts be made so that the Declaration became generally known and implemented,

Recalling also General Assembly resolution 41/120 of 4 December 1986 in which the Assembly recognized the value of continuing efforts to identify specific areas where further international action was required to develop the existing legal framework in the field of human rights,

Recalling further Commission on Human Rights resolution 1997/26 of 11 April 1997 in which the Commission, deeply concerned, in particular, by the intensification of enforced or involuntary disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared, took note of the report of the Working Group on Enforced or Involuntary Disappearances in which the Working Group welcomed the efforts of the Sub-Commission's sessional working group on the administration of justice to prepare a draft international convention on the prevention and punishment of enforced disappearances (E/CN.4/1997/34, para. 31),

Considering that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of enforced disappearance is of the nature of a crime against humanity,

Recalling that at the forty-seventh session of the Sub-Commission the sessional working group on the administration of justice had asked its Chairman-Rapporteur, Mr. Louis Joinet, to submit a preliminary draft "international convention on the prevention and punishment of enforced disappearances" which formed the basis for discussion at the working group at its 1995 and 1997 sessions,

Expressing its appreciation, to the Chairman-Rapporteur for having submitted, in time for the Sub-Commission's consideration at its fiftieth session, a text entitled "Draft international convention on the protection of all persons from enforced disappearance" (E/CN.4/Sub.2/1998/19, annex) which was revised by the working group at the current session,

1. Decides to transmit the draft international convention on the protection of all persons from enforced disappearance to the Commission on Human Rights for its consideration, together with the comments of the Sub-Commission thereon as well as those of the sessional working group on the administration of justice (E/CN.4/Sub.2/1998/19, paras. 9-64);

2. Requests the Commission to invite Governments, intergovernmental organizations and non-governmental organizations to provide comments on the draft convention.

35th meeting
26 August 1998
[Adopted without a vote. See chap. XI.]

1998/26. Housing and property restitution in the context of the return of refugees and internally displaced persons

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Conscious that human rights violations and breaches of international humanitarian law are among the reasons why refugees, as defined in relevant international legal instruments, and internally displaced persons flee their homes and places of habitual residence,

Recognizing that the right of refugees and internally displaced persons to return freely to their homes and places of habitual residence in safety and security forms an indispensable element of national reconciliation and reconstruction and that the recognition of such rights should be included within peace agreements ending armed conflicts,

Recognizing also the right of all returnees to the free exercise of their right to freedom of movement and to choose one's residence, including the right to be officially registered in their homes and places of habitual residence, their right to privacy and respect for the home, their right to reside peacefully in the security of their own home and their right to enjoy access to all necessary social and economic services, in an environment free of any form of discrimination,

Conscious of the widespread constraints imposed on refugees and internally displaced persons in the exercise of their right to return to their homes and places of habitual residence,

Also conscious that the right to freedom of movement and the right to adequate housing include the right of protection for returning refugees and internally displaced persons against being compelled to return to their homes and places of habitual residence and that the right to return to their homes and places of habitual residence must be exercised in a voluntary and dignified manner,

Aware that intensified international, regional and national measures are required to ensure the full realization of the right of refugees and internally displaced persons to return to their homes and places of habitual residence and are indispensable elements of reintegration, reconstruction and reconciliation,

1. Reaffirms the right of all refugees, as defined in relevant international legal instruments, and internally displaced persons to return to their homes and places of habitual residence in their country and/or place of origin, should they so wish;

2. Also reaffirms the universal applicability of the right to adequate housing, the right to freedom of movement and the right to privacy

and respect for the home, and the particular importance of these rights for returning refugees and internally displaced persons wishing to return to their homes and places of habitual residence;

3. Confirms that the adoption or application of laws by States which are designed to or result in the loss or removal of tenancy, use, ownership or other rights connected with housing or property, the active retraction of the right to reside in a particular place, or laws of abandonment employed against refugees or internally displaced persons pose serious impediments to the return and reintegration of refugees and internally displaced persons and to reconstruction and reconciliation;

4. Urges all States to ensure the free and fair exercise of the right to return to one's home and place of habitual residence by all refugees and internally displaced persons and to develop effective and expeditious legal, administrative and other procedures to ensure the free and fair exercise of this right, including fair and effective mechanisms designed to resolve outstanding housing and property problems;

5. Invites the United Nations High Commissioner for Human Rights, in consultation with the United Nations High Commissioner for Refugees, within her mandate, to facilitate the full implementation of the present resolution;

6. Invites the United Nations High Commissioner for Refugees, in consultation with the United Nations High Commissioner for Human Rights, to develop policy guidelines to promote and facilitate the right of all refugees and, if appropriate to her mandate, internally displaced persons, to return freely, safely and voluntarily to their homes and places of habitual residence;

7. Decides to consider the issue of return to place of residence and housing for refugees and internally displaced persons at its fifty-first session, under the same agenda item, to determine how most effectively to continue its consideration of these issues.

35th meeting
26 August 1998
[Adopted without a vote. See chap. XII.]

1998/27. Forced population transfer

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of everyone lawfully within the territory of a State to liberty of movement and freedom to choose his or her residence and the prohibition of arbitrary deprivation of the right to enter one's own country as set out in article 13 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights, Recognizing that practices of forcible exile, mass expulsion and deportation, forced population transfer, forcible population exchange, unlawful evacuation, eviction and forcible relocation, ethnic cleansing and other forms of forcible displacement of populations within a country or across borders not only deprive the affected populations of their rights to freedom of movement but also threaten the peace and security of States,

Noting the need to further rationalize and harmonize the various international standards in this complex and evolving area,

Recalling its resolution 1997/29 of 28 August 1997 in which it decided to continue its consideration of population displacement and to examine the legal standards applicable to different types of forced displacement and any lacunae in those standards,

Recalling also that in its resolution 1997/29 it decided that an expert seminar should be convened, if necessary without financial implications, to assist in and to make practical recommendations for the further work of the Sub-Commission on the right to freedom of movement,

1. Welcomes Economic and Social Council decision 1998/292 of 31 July 1998 in which the Council approved the recommendation of the Commission on Human Rights that the report of the Special Rapporteur on human rights and population transfer, Mr. Awn Shakat Al-Khasawneh, be published and widely disseminated, as recommended by the Sub-Commission in its resolution 1997/29;

2. Decides to convene an expert seminar, in close cooperation with relevant intergovernmental and non-governmental organizations, if necessary without financial implications, to assist in and to make practical recommendations for the further work of the Sub-Commission on the right to freedom of movement, in particular with respect to a study on the legal standards applicable to different types of forced displacement and any lacunae in those standards, for submission to the Sub-Commission at its fifty-second session.

35th meeting
26 August 1998
[Adopted without a vote. See chap. XII.]

1998/28. Promotion of dialogue on human rights issues

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular in Article 1, paragraph 3, as well as in relevant provisions of the Vienna Declaration and Programme of Action (A/CONF.157/24 (Part I), chap. III) adopted by the World Conference on Human Rights on 25 June 1993, Noting General Assembly resolution 52/134 of 12 December 1997,

Noting also Commission on Human Rights resolution 1998/81 of 24 April 1998,

Reaffirming its resolution 1997/38 of 28 August 1997,

Bearing in mind that the international community shall strive by teaching and education to promote respect for human rights and fundamental freedoms,

Emphasizing the importance of ensuring the universality, indivisibility, objectivity and non-selectivity of the consideration of human rights issues,

1. Reiterates its commitment to international cooperation in the field of human rights, and invites governmental and non-governmental observers of the Sub-Commission to carry out constructive dialogue and consultations on human rights issues and to facilitate the formulation and adoption of resolutions and decisions;

2. Endorses the cooperative approach in search of common understanding and reasonable accommodation of divergent views, particularly in the discussion on the effectiveness of the Sub-Commission;

3. Decides to continue its consideration of this question at its fifty-first session.

35th meeting
26 August 1998
[Adopted without a vote. See chap. XIV.]

1998/29. Human rights and terrorism

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments on human rights and humanitarian law,

Recalling that the Universal Declaration of Human Rights, which marks its fiftieth anniversary this year, states that every individual and every organ of society shall strive by teaching and education to promote respect for all rights and freedoms enshrined in the Declaration,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that every individual should strive to secure their universal and effective recognition and observance, Taking into account that acts of terrorism in all their forms and manifestations, aimed at the destruction of human rights, have continued despite national and international efforts,

Reiterating the importance of a study on human rights and terrorism,

Recalling its resolution 1997/39 of 28 August 1997,

Noting Commission on Human Rights resolution 1998/47 and decision 1998/107 of 17 April 1998 in which the Commission approved the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights,

Having heard the statement by the Special Rapporteur concerning the basis and the orientation of the study,

Taking into account the working paper submitted by the Special Rapporteur at its forty-ninth session (E/CN.4/Sub.2/1997/28),

1. Requests the Special Rapporteur on human rights and terrorism, Ms. Kalliopi K. Koufa, to elaborate a preliminary report based on her working paper and to submit it to the Sub-Commission at its fifty-first session, a progress report at its fifty-second session and a final report at its fifty-third session;

2. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.

35th meeting
26 August 1998
[Adopted without a vote. See chap. XIV.]

1998/30. Adverse effects of anti-personnel landmines

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Aware that anti-personnel landmines inflict harm on human beings and in the process cause grave violations of human rights, in particular the right to life,

Recalling its resolutions 1995/24 of 24 August 1995, 1996/15 of 23 August 1996 and 1997/33 of 23 August 1997 in which it declared itself in favour of a total ban on the production, marketing and use of these weapons,

Stressing the importance of assisting the victims of such weapons as well as ensuring that those which have been deployed are completely destroyed,

Stressing also the importance for the Sub-Commission of following up this issue in order to guarantee the full respect and implementation of all relevant legal instruments, Taking note with satisfaction of the establishment of zones free of anti-personnel landmines in the Mercosur countries (Argentina, Brazil, Paraguay, Uruguay) and in Bolivia and Chile,

Welcoming the award of the 1997 Nobel Peace Prize to the International Campaign to Ban Land Mines,

Welcoming also the adoption of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction in December 1997 and its signature by almost one hundred and thirty countries, and recalling that the Convention is to enter into force after forty countries have ratified it,

Noting with satisfaction that 32 countries have already ratified the Convention,

Regretting the new deployment of landmines in zones of armed conflict despite all warnings against their deployment and knowledge of the horror they cause to their innocent victims, especially children and other vulnerable groups,

Bearing in mind that landmines cause death, maiming and psychological damage to their victims, are a deterrent to development and harm the environment,

Underscoring the continuous threat that old and abandoned landmines pose to human lives as well as their detrimental effects on development efforts,

Stressing the urgency for mine clearance in the affected zones in order that civilians in such zones can fully enjoy their human rights,

Regretting the lack of sufficient financial resources to increase mine clearance and medical assistance for victims of anti-personnel landmines,

1. Reaffirms its support for a total ban on the production, stockpiling, transfer and use of landmines, as well as the destruction of the existing mines, as a means to protect basic human rights and in particular the right to life;

2. Urges States that have not yet done so to sign and ratify the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects and all the Protocols thereto, including Protocol II on Prohibitions and Restrictions on the Use of Mines, Booby-Traps and Other Devices as Amended on 3 May 1996;

3. Strongly urges all States that have not yet done so to sign and ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction adopted in Ottawa in December 1997;

4. Urges all States to modify their legislation where necessary in accordance with the wording of the Ottawa Convention, in full respect of its articles and spirit, including the clause prohibiting any reservations to the Convention;

5. Urges all countries responsible for the laying of anti-personnel landmines in foreign territories to assume full responsibility for the necessary mine-clearance operations and to cooperate with the host countries, in particular developing countries, for this purpose in every possible way;

6. Underlines the importance for non-State actors also to renounce the use of anti-personnel landmines;

7. Encourages Member States to continue the process of establishing regional and subregional zones free of anti-personnel landmines;

8. Reiterates its request to Governments and the international community to pursue an overall policy of prevention, rehabilitation and reintegration of the victims of landmines as well as to multiply their efforts in mine-clearance programmes in the affected zones and their aid to victims of anti-personnel landmines;

9. Again encourages Governments, organizations and individuals that can do so to respond favourably to the request for voluntary contributions to the United Nations mine-clearance programme, or to increase existing contributions;

10. Requests the Secretary-General to reiterate to all Governments, in particular those of States which in the past have laid anti-personnel landmines in or sold them to other States, the Sub-Commission's appeal for contributions to the mine-clearance programme and the Voluntary Trust Fund for Assistance in Mine Clearance established in 1994;

11. Decides to consider this question at its fifty-first session under the same agenda item and to establish the necessary measures to ensure the follow-up and implementation of international humanitarian law and treaties in order that everyone may fully enjoy all their human rights.

35th meeting
26 August 1998
[Adopted without a vote. See chap. XIV.]

B. Decisions

1997/101. Establishment of the sessional working group on the administration of justice

At its 2nd meeting, on 4 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decisions 1996/103 of 6 August 1996 and 1996/119 of 29 August 1996, decided, without a vote, to establish a sessional working group on the administration of justice under agenda item 9.

[See chap. III.]

1998/102. Voting by secret ballot

At its 25th meeting, on 19 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote by secret ballot whenever a vote was requested on proposals pertaining to allegations of violations of human rights in countries, under any agenda item, including proposals of a procedural nature relating to proposals of a substantive nature.

[See chap. IV.]

1998/103. The rights of non-citizens

At its 26th meeting, on 20 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study on the rights of non-citizens (see E/CN.4/Sub.2/1997/31, annex), decided, without a vote, to entrust Mr. David Weissbrodt with the preparation, without financial implications, of a working paper on the rights of persons who are not citizens of the country in which they live, to be submitted under the agenda item entitled "Comprehensive examination of thematic issues relating to the elimination of racial discrimination", in order to enable it to take a decision at its fifty-first session on the feasibility of a study on that subject. The working paper should take into account comments on the scope of such a study made during the fiftieth session of the Sub-Commission, including, for example, developments since the adoption in 1985 of the Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live, overcoming impediments to ratification of the International Convention on the Rights of All Migrant Workers and Members of Their Families, discrimination between different groups of non-citizens, the implications of dual citizenship, ways of contributing to the efforts of the working group of intergovernmental experts on the human rights of migrants of the Commission on Human Rights, and ways of contributing material on this topic to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

[See chap. V.]

1998/104. Globalization in the context of the increase in incidents of racism, racial discrimination and xenophobia

At its 26th meeting, on 20 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to entrust Mr. Joseph Oloka-Onyango with the preparation, without financial implications, of a working paper on the topic of globalization in the context of the increase in incidents of racism, racial discrimination and xenophobia for submission under the agenda item entitled, "Comprehensive examination of thematic issues relating to the elimination of racial discrimination", to be considered at its fifty-first session, as a contribution to the preparation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and to explore cooperation on this issue, if needed, with the Committee on the Elimination of Racial Discrimination.

[See chap. V.]

1998/105. Transmission of Sub-Commission resolution 1996/22 to the Secretary-General

At its 26th meeting, on 20 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolution 1996/22 of 29 August 1998, entitled "Tenth anniversary of the adoption of the Declaration on the Right to Development", in which it requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006) and to provide him with the information thereon, and requested him to transmit annually to the Sub-Commission the information received, decided, without a vote, to request the Commission on Human Rights to transmit the full text of resolution 1996/22 once again to the Secretary-General.

[See chap. VI.]

1998/106. The right to food

At its 26th meeting, on 20 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decision 1997/108 of 22 August 1997 in which it decided, without a vote, to request Mr. Asbjørn Eide to review and update, without financial implications, his study on the right to food submitted in 1987 (Human Rights Study Series No. 1, United Nations publication, Sales No. E.89.XIV.2) and having received and examined with satisfaction Mr. Eide's report (E/CN.3/Sub.2/1998/9), decided, without a vote, to request Mr. Eide to complete, without financial implications, the review and update of the report on the right to food and to submit the final version of the updated study to the Sub-Commission at its fifty-first session in 1999.

[See chap. VI.]

1998/107. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 29th meeting, on 21 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decision 1997/110 of 22 August 1997 and considering that the late submission by the Special Rapporteur, Mr. Miguel Alfonso Martínez, of his final report on the study allowed only limited discussion of his report during the 1998 sessions of the Working Group on Indigenous Populations and the Sub-Commission, decided, without a vote, to request the Special Rapporteur to submit, not later than 31 March 1999 and in order for further discussions on his final report to take place during the Working Group's seventeenth session and the Sub-Commission's fifty-first session, a new version of his final report, including any revisions that might be introduced to the present unedited English version of that document in the light of the debates held at the 1998 sessions in both bodies, and to request the Secretary-General to give the Special Rapporteur all necessary facilities to secure the completion of this task, in particular the distribution of his final report in all working languages to the Working Group and the Sub-Commission in time for their respective 1999 sessions.

[See chap. IX.]

1998/108. Working paper on the methods of work of the Sub-Commission

At its 35th meeting, on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, noting that it was unable to examine the revised working paper on its methods of work submitted by Mr. Ribot Hatano pursuant to Sub-Commission resolution 1997/16 of 27 August 1997 (E/CN.4/Sub.2/1998/3) owing to its involvement, under item 1 (c) of its agenda, in the review of mechanisms of the Commission on Human Rights by the Bureau of the Commission, decided, without a vote, to invite all members of the Sub-Commission, Governments and non-governmental organizations to submit comments to the secretariat on the revised working paper by 15 October 1998. The Sub-Commission also decided, without a vote, to request Mr. Hatano to take into account the comments received, the remarks made on this subject during the fiftieth session and the note by the Chairman on enhancing the effectiveness of the Sub-Commission (E/CN.4/Sub.2/1998/38) in preparing a further revision of his working paper, without financial implications, to be submitted to the Sub-Commission at its fifty-first session. The Sub-Commission further decided, without a vote, to consider the new revised working paper at its fifty-first session on a priority basis in private meetings, and to complete its examination of the working paper at the fifty-first session.

[See chap. III.]

1998/109. Composition of the pre-sessional working groups of the Sub-Commission

At its 35th meeting, on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to approve the following composition of the pre-sessional working groups of the Sub-Commission:

Regional group	Communications	Indigenous Populations	Minorities	Contemporary Forms of Slavery
Africa	Mr. Yimer	Mr. Guissé	Mr. Mehedi	Ms. Warzazi
	Mr. Oloka-Onyango (alternate)		Mr. Khalil (alternate)	Mr. Sik Yuen (alternate)
Asia	Mr. Fan Guoxiang	Mr. Hatano	Mr. Sorabjee	Mr. Park
	Mr. Zhong Shukong (alternate)	Mr. Yokota (alternate)		
Latin America	Mr. Diaz Uribe	Mr. Alfonso Martínez	Mr. Bengoa	Mr. Pinheiro
	Mr. Salinas Rivera (alternate)	Mr. Bengoa (alternate)	Mr. Alfonso Martínez (alternate)	Ms. Ferriol Echevarría (alternate)
Eastern Europe	Mr. Ramishvili	Mr. Boutkevitch	Mr. Kartashkin	Mr. Maxim
	Mr. Kartashkin (alternate)	Mr. Shamshur (alternate)		Ms. Motoc (alternate)
Western Europe	Mr. Weissbrodt	Ms. Daes	Mr. Eide	Ms. Koufa
	Ms. Hampson/ Ms. Cook (alternate)	Ms. Hampson/ Ms. Cook (alternate)	Mr. Helgesen (alternate)	Mr. Weissbrodt/ Ms. Cook (alternate)

[See chaps. III, VIII, IX, X, XV.]

1998/110. Sessional working group on the administration of justice

At its 35th meeting, on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking note with satisfaction of the report of the sessional working group on the administration of justice (E/CN.4/Sub.2/1998/19), decided, without a vote, to endorse the following decisions of the working group: (a) to transmit the draft international convention on the protection of all persons from enforced disappearance, as revised, to the Commission on Human Rights for consideration (Sub-Commission resolution 1998/25); (b) to request Mr. El Hadji Guissé to continue the preparation for the working group of an annual report on the evolution of capital punishment; (c) to request Mr. Miguel Alfonso Martínez to submit to the working group an annual update on the privatization of prisons, taking into account the note prepared by Ms. Françoise Jane Hampson on this subject and any other relevant documents; (c) to request Mr. Héctor Fix Zamudio to submit a working paper to the working group on a possible study entitled "Improvement and efficiency of the judicial instruments for the protection of human rights at the national level and their impact at the international level", all of the foregoing without financial implications.

The Sub-Commission, noting the establishment, in accordance with Economic and Social Council resolution 1997/30 of 21 July 1997, of the Coordination Panel on Technical Advice and Assistance, and noting also that the issue of the recognition of gross and massive violations of human rights as an international crime is being addressed by the International Law Commission and in the Statute of the International Criminal Court, also decided, without a vote, to take note of the decision of the working group, pursuant to Commission resolution 1998/28 of 17 April 1998, to delete the items of its agenda entitled "Juvenile justice" and "Recognition of gross and massive violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime", in order to avoid duplication with the work undertaken by other bodies.

[See chap. XI.]

1998/111. Working paper on a study of weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering

At its 35th meeting, on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolutions 1997/36 and 1997/37 of 28 August 1997 and taking note of the circumstances surrounding the inability of Ms. Clemencia Forero Ucros to submit her working paper, decided, without a vote, to request her to submit it to the Sub-Commission at its fifty-first session.

[See chap. XIV.]

1998/112. Adverse consequences of economic sanctions on the enjoyment of human rights

At its 35th meeting, on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolution 1997/35 of 28 August 1997, decided, without a vote, to continue consideration of the adverse consequences of economic sanctions on human rights at its fifty-first session under the agenda sub-item entitled "Implications of humanitarian activities for the enjoyment of human rights".

[See chap. XIV.]

1998/113. Reservations to human rights treaties

At its 35th meeting, on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling the letter from the Chairman of the Committee on the Elimination of Racial Discrimination addressed to the Chairman of the forty-eighth session of the Sub-Commission (E/CN.4/Sub.2/1997/31, annex), which included a proposal for a study to be undertaken on reservations to treaties, the concerns about reservations expressed by the Committee on the Elimination of Discrimination against Women and the report of the Secretary-General on the views of the six human rights treaty bodies on the Preliminary Conclusions of the International Law Commission (E/CN.4/Sub.2/1998/25), and recalling also the Vienna Declaration and Programme of Action (A/CONF.157/24 (Part I), chap. III) which emphasized the need to limit the number and scope of reservations to human rights treaties, decided, without a vote, to request Ms. Françoise Jane Hampson to prepare, without financial implications, a working paper on the question of reservations to human rights treaties, including an examination of the number and scope of such reservations, their impact on the scope of the obligation accepted by States, reservations to the procedural provisions of human rights treaties, including opting-out clauses, and the role and responsibility of monitoring bodies in relation to reservations to human rights treaties, and to submit the working paper at its fifty-first session.

[See chap. XIV.]

1998/114. Humanitarian situation in Iraq

At its 35th meeting, on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decisions 1996/107 of 20 August 1996 and 1997/119 of 28 August 1997 and its resolution 1997/35 of 28 August 1997; believing that measures such as embargoes should be limited in time and should be lifted even if the legitimate objectives of the measures have not yet been attained, affirming once again the need to respect the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto; noting with grave concern the immense suffering endured by the Iraqi people and by children in particular; drawing attention to the alarming accounts in numerous reports by the United Nations, the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq (E/CN.4/1998/67) and reports of specialized agencies concerning the situation of innocent people who are suffering an unacceptable decline in levels of health, nutrition, health care and employment and in agriculture; pointing out in that regard that the Secretary-General stated in his report to the Security Council on the "oil for food" programme in February 1998 (S/1998/90) that infant mortality in Iraq was rising, that the water supply situation continued to deteriorate and that farm output would be able to meet only 10 per cent of required nutritional levels; noting with satisfaction that many non-governmental organizations and personalities from a variety of countries, including the United States of America, have organized humanitarian convoys for Iraq, thus displaying their disapproval of the adverse consequences of an embargo that deprives an entire population of food, care and education; having in mind general comment No. 8 (1977) adopted by the Committee on Economic, Social and Cultural Rights at its seventeenth session (E/C.12/1997/8); considering any embargo that condemns an innocent people to hunger, disease, ignorance and even death without attaining the objectives for which it was declared to be a flagrant violation of the economic, social and cultural rights of the people concerned and of international law, the Sub-Commission decided, without a vote, to appeal to the international community and, in particular, to the Security Council for the embargo provisions affecting the humanitarian situation of the population in Iraq to be lifted. It also decided, without a vote, to urge the international community and all Governments, including that of Iraq, to alleviate the suffering of the Iraqi population, in particular by facilitating the delivery of food, medical supplies and the wherewithal to meet their basic needs.

[See chap. XIV.]

1998/115. Observance of human rights by States not parties to United Nations human rights conventions

At its 35th meeting on 26 August 1998, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to request Mr. Vladimir Kartashkin to prepare, without financial implications, a working paper on ways in which the Sub-Commission can examine the observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions and to submit it to the Sub-Commission at its fifty-first session. The Sub-Commission also decided, without a vote, to amend the title of the sub-item entitled "Encouragement of universal acceptance of human rights instruments" by adding the words "and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions", and to make this an annual sub-item of the agenda.

[See chap. XIV.]

III. ORGANIZATION OF WORK:

(a) ELECTION OF OFFICERS;

(b) ADOPTION OF THE AGENDA;

(c) METHODS OF WORK OF THE SUB-COMMISSION

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its fiftieth session at the United Nations Office at Geneva from 3 to 28 August 1998. It held 36 meetings (E/CN.4/Sub.2/1998/SR.1-36), 6 of which were held in closed session (E/CN.4/Sub.2/1998/SR.3, 9, 10, 32, 33, 36).

2. The session was opened by Mr. José Bengoa, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-ninth session, who made a statement. The United Nations High Commissioner for Human Rights, Ms. Mary Robinson, also addressed the Sub-Commission at its 1st meeting, on 3 August 1998.

3. The session was attended by members of the Sub-Commission, by observers for States Members of the United Nations, by observers for non-member States and by representatives of United Nations bodies, specialized agencies, and intergovernmental, non-governmental and other organizations. The attendance list is given in annex II to the present report.

4. The Sub-Commission adopted resolutions 1 to 30 and took 15 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B, respectively. Draft resolutions and decisions for action or consideration by the Commission on Human Rights are set out in chapter I.

5. Information concerning the administrative and programme budget implications of the resolutions and decisions adopted by the Sub-Commission at its fiftieth session is provided in annex III.

6. A list of the resolutions and decisions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex IV.

7. A list of studies completed at the fiftieth session, of ongoing studies, of working papers entrusted to members and of studies recommended for approval, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex V.

8. A list of documents for the fiftieth session of the Sub-Commission appears in annex VI. Written communications submitted by Governments and non-governmental organizations for circulation at the session are also mentioned in annex VI.

9. At the 1st meeting, on 3 August 1998, in accordance with decision 1994/103 of the Sub-Commission and the proposal of the Chairman, the Sub-Commission observed a minute of silence in honour of the victims of all forms of violations of human rights in all regions of the world.

10. At the 2nd meeting, on 4 August 1998, upon the recommendation of its officers, the Sub-Commission decided to establish a sessional working group on the administration of justice under agenda item 9. For the text of the decision, see chapter II, section B, decision 1998/101.

A. Election of officers

11. At its 1st meeting, the Sub-Commission elected the following officers by acclamation:

Chairman:	Mr. El Hadji Guissé
Vice-Chairmen:	Mr. Miguel Alfonso Martínez Mr. Fan Guoxiang Mr. David Weissbrodt
Rapporteur:	Mr. Ioan Maxim

B. Adoption of the agenda

12. At the same meeting, the Sub-Commission had before it a note by the Secretary-General containing the provisional agenda for the fiftieth session (E/CN.4/Sub.2/1998/1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its forty-ninth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

13. Statements with regard to the provisional agenda were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Joinet, Mr. Park, Mr. Ramishvili, Mr. Sorabjee and Ms. Warzazi.

14. The agenda (see annex I) was adopted without a vote.

15. At the proposal of Ms. Warzazi and upon recommendation of its officers, the Sub-Commission, at its 2nd meeting, on 4 August 1998, agreed to amend the title of item 5 of the agenda by replacing, in the English version, the words "the implementation of the human rights of women", with the words "the implementation of human rights with regard to women", and to modify the other language versions as necessary.

C. Methods of work of the Sub-Commission

16. The Sub-Commission considered sub-item 1 (c) of the agenda at its 2nd, 3rd (closed), 9th (closed), 10th (closed), 11th and 35th meetings on 4, 7, 10 and 26 August 1998.

17. Statements in connection with the sub-item were made by Mr. Alfonso Martínez (2nd), Mr. Bengoa (2nd), Mr. Joinet (2nd), Mr. Khalifa (2nd) and Ms. Warzazi (2nd).

18. At the 11th meeting, on 10 August 1998, the Chairman of the fifty-fourth session of the Commission on Human Rights, Mr. Jacob S. Selebi, addressed the Sub-Commission, in accordance with Commission resolution 1998/28.

19. At the 10th (closed) and 11th meetings, on 10 August 1998, the Sub-Commission held a special discussion with the Bureau of the fifty-fourth session of the Commission on Human Rights on the effectiveness of the Sub-Commission in the light of Commission decision 1998/112 in which the Commission decided to appoint its Bureau to undertake a review of its mechanisms with a view to making recommendations to the Commission at its fifty-fifth session.

20. Present were the five members of the Bureau of the Commission: Mr. Jacob S. Selebi (Chairman), Mr. Iftekhar Ahmed Chowdhury, Mr. Luis Gallegos Chiriboga, Mr. Ross Hynes (Vice-Chairmen) and Mr. Roman Kuzniar (Rapporteur).

21. At the 10th (closed) meeting, the Chairman of the Sub-Commission, Mr. El Hadji Guissé, opened the discussion by reading out a paper stating the common position of the members of the Sub-Commission, entitled "Enhancing the effectiveness of the Sub-Commission" (subsequently issued as document E/CN.4/Sub.2/1998/38).

22. At the 11th meeting, in connection with the special discussion, a statement was made by Mr. Bengoa. The Sub-Commission also heard a statement by Ms. Mona Rishmawi, chairperson of the fifth meeting of the special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme.

23. At the same meeting, the Sub-Commission also heard statements by representatives of the following non-governmental organizations: Carter Center, Human Rights Internet, International Federation of Human Rights Leagues.

24. At the same meeting, the Sub-Commission heard statements by the observers for: Austria (on behalf of the European Union), China, Egypt, Germany, Honduras (on behalf of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Nicaragua and Panama), India, Netherlands, Pakistan, Republic of Korea (on behalf of the Asian Group), Senegal, Turkey, United States of America. The observer for Switzerland also made a statement.

Working paper on the methods of work of the Sub-Commission

25. At its 35th meeting, on 26 August 1998, the Sub-Commission considered draft decision E/CN.4/Sub.2/1998/L.15, sponsored by Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Alfonso Martínez, Mr. Eide, Mr. Joinet, Mr. Khalil, Mr. Maxim, Mr. Mehedi and Ms. Warzazi subsequently joined the sponsors.

26. A statement in connection with the draft resolution was made by Mr. Weissbrodt.

27. The draft decision was adopted without a vote. For the text of the decision see chapter II, section B, decision 1998/108.

Composition of the pre-sessional working groups of the Sub-Commission

28. At the same meeting, the Sub-Commission considered a draft decision on the composition of the pre-sessional working groups of the Sub-Commission.

29. The draft decision was adopted without a vote. For the text of the decision see chapter II, section B, decision 1998/109.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

30. The Sub-Commission considered item 2 at its 4th to 8th, 25th and 26th meetings, on 5, 6, 7, 19 and 20 August 1998.

31. For the list of documents issued under item 2, see annex VI.

32. In the general debate under item 2, statements 1/ were made by the following members of the Sub-Commission: Mr. Bengoa (7th), Ms. Daes (6th, 7th), Mr. Diaz Uribe (7th), Mr. Eide (7th), Mr. Fan Guoxiang (4th), Ms. Hampson (6th), Mr. Joinet (7th), Mr. Khalifa (4th), Mr. Maxim (7th), Mr. Mehedi (4th), Mr. Park (7th), Mr. Pinheiro (6th), Mr. Sorabjee (6th), Ms. Warzazi (6th), Mr. Weissbrodt (4th), Mr. Yokota (7th).

33. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (5th), African Commission of Health and Human Rights Promoters (7th), Afro-Asian Peoples' Solidarity Organization (5th), All Pakistan Women's Association (6th), American Association of Jurists (4th), Asian Buddhist Conference for Peace (5th), Association for World Education (joint statement with Christian Solidarity International) (4th), Bahá'í International Community (5th), Caucasians United for Reparations and Emancipation (4th), Centre Europe-Tiers Monde (4th), European Union of Public Relations (5th), Franciscans International (4th), Interfaith International (5th), International Association against Torture (6th), International Association for Religious Freedom (4th), International Association of Democratic Lawyers (4th), International Educational Development, Inc. (5th), International Federation of Human Rights Leagues (4th), International Human Rights Association of American Minorities (6th), International Institute for Peace (4th), International League for Human Rights (4th), International Movement against All Forms of Discrimination and Racism (5th), International Peace Bureau (4th), International Prison Watch (6th), International Work Group for Indigenous Affairs (5th), Latin American Federation of Associations of Relatives of Disappeared Detainees (5th), Lutheran World Federation (joint statement with Habitat International Coalition, Jesuit Refugee Service and World Christian Life Community) (4th), Minority Rights Group (5th), Movement against Racism and for Friendship among Peoples (6th), North-South XXI (5th), Organisation tunisienne pour l'éducation et la famille (6th), Pax Christi International (7th), Pax Romana (4th), Society for Threatened Peoples (4th), Third World Movement against the Exploitation of Women (6th), Transnational Radical Party (4th), War Resisters International (5th), World Federation of Democratic Youth (5th), World Federation of Trade Unions (5th), World Muslim Congress (5th), Worldview International Foundation (5th).

34. The Sub-Commission heard statements by the observers for: Armenia (5th), Azerbaijan (7th), Bangladesh (5th), China (6th), Eritrea (5th), Ethiopia (5th), Indonesia (6th), Iraq (5th), Mexico (6th), Nepal (7th),

Republic of Korea (6th), Sri Lanka (6th), Tunisia (6th), Turkey (6th). The Sub-Commission also heard a statement by the observer for the Organization of the Islamic Conference (7th).

35. Statements equivalent to a right of reply were made by the observers for: Algeria (7th), Armenia (8th), Azerbaijan (8th), Belarus (7th), Colombia (7th), Cyprus (8th), Eritrea (7th, 8th), Ethiopia (7th, 8th), India (8th), Iraq (7th), Morocco (5th), Pakistan (7th), Sudan (5th), Turkey (7th), Zambia (7th).

Voting by secret ballot

36. At its 25th meeting, on 19 August 1998, the Sub-Commission decided to vote by secret ballot, whenever such a vote was requested, on proposals pertaining to allegations of violations of human rights in countries, under any agenda item, including proposals of a procedural nature relating to proposals of a substantive nature.

37. Statements in this connection were made by Mr. Alfonso Martínez and Mr. Fan Guoxiang.

38. The text of the draft decision was adopted without a vote. For the text, see chapter II, section B, decision 1998/102.

The Bhutanese refugees

39. At the same meeting, on 19 August 1998, Mr. Eide withdrew draft resolution E/CN.4/Sub.2/1998/L.14, sponsored by Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Ms. Hampson, Mr. Oloka-Onyango and Mr. Weissbrodt, which read as follows:

> "The Bhutanese refugees
>
> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> "Recalling its resolutions 1997/31 of 28 August 1997 on the right to return, 1997/29 of 28 August 1997 on freedom of movement and population transfer and 1996/9 of 23 August 1996 on the right to freedom of movement,
>
> "Concerned by the plight of the approximately ninety thousand individuals of Nepali ethnicity, the majority of whom had previously lived in Bhutan, who have been residing in camps in eastern Nepal for as long as seven years, as well as an additional ten thousand or more who are living outside the camps in Nepal and India,
>
> "Also concerned that developments within Bhutan, such as the resettlement of others upon the lands previously occupied by the refugees, can pre-empt any durable solution involving voluntary repatriation,

"1. Urges all States to respect and promote the right to return and the right not to be arbitrarily deprived of one's nationality, and to take appropriate measures to reduce the phenomenon of statelessness;

"2. Urges in particular the Governments of Bhutan and Nepal to negotiate in good faith towards a peaceful solution of the question of refugees in a concerted effort to make possible the voluntary repatriation of the refugees to their country of origin without further delay;

"3. Encourages the parties concerned to establish an impartial verification process and to make more effective and urgent efforts to negotiate the return of Bhutanese verified to be refugees, so that they can leave the camps voluntarily and return home in conditions of safety and dignity;

"4. Suggests that the Governments involved avail themselves of technical assistance from the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, so as to facilitate a fair and lasting solution which takes into account representations on behalf of the displaced population and the principles of international law relating to non-discrimination, the right to return, the right not to be arbitrarily deprived of one's nationality, the reduction of statelessness and the fulfilment of economic, social and cultural rights;

"5. Decides to keep this matter under consideration at its fifty-first session."

40. Statements in this connection were made by Mr. Alfonso Martínez, Mr. Eide and Mr. Sorabjee.

41. At the same meeting, the Chairman informed the Sub-Commission that draft resolution E/CN.4/Sub.2/1998/L.14 had been replaced by a Chairman's statement to be made on behalf of the Sub-Commission. At the request of the Chairman, Mr. Eide read out the statement as follows:

"The Sub-Commission has been aware of the plight of the approximately 90,000 individuals of Nepali ethnicity, the majority of whom assert that they had previously lived in Bhutan but who have been residing within camps administered by the Office of the United Nations High Commissioner for Refugees in eastern Nepal for as long as seven years while others have been living outside the camps in Nepal and India. The Sub-Commission is also aware that the status and origin of many of these people are the subjects of dispute and should be determined by an appropriate verification procedure.

"The Sub-Commission expresses its deep concern over the serious human rights implications of this situation. The Sub-Commission is particularly concerned about the ongoing programme of resettlement in southern Bhutan on land that may have previously belonged to refugees. It therefore urges the two Governments concerned to negotiate in good faith towards a peaceful solution consistent with international human rights standards. The Sub-Commission encourages the parties concerned to set up an impartial verification process and to make more effective and urgent efforts to negotiate the voluntary return of the Bhutanese determined to be refugees, so that they can leave the camps and return home in conditions of safety and dignity. In this regard, the Sub-Commission suggests that the Governments involved avail themselves of technical assistance from the Office of the United Nations High Commissioner for Human Rights and from the Office of the United Nations High Commissioner for Refugees, so as to facilitate a fair and lasting resolution which takes into account representations on behalf of the displaced population and the principles of international law relating to non-discrimination; the right to return; the right not to be arbitrarily deprived of one's nationality; the reduction of statelessness; and the realization of economic, social and cultural rights.

"The Sub-Commission calls on the parties concerned to negotiate in good faith in the hopes of achieving peace and protecting human rights.

"The Sub-Commission hopes by making this statement to contribute to the protection of human rights in this context and by considering this matter at its fifty-first session."

42. The observer for Bhutan made a statement.

Situation of human rights in Belarus

43. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.5, sponsored by Mr. Eide, Mr. Diaz Uribe, Mr. Fix Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Joinet, Mr. Maxim, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Weissbrodt and Mr. Yimer.

44. Mr. Weissbrodt orally proposed to revise operative paragraphs 2 (a), 3 and 4 (b) of the draft resolution. He also proposed to add a new paragraph which became paragraph 2 (c).

45. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Sorabjee and Ms. Warzazi.

46. The observer for Belarus made a statement.

47. At the request of Mr. Alfonso Martínez, a vote was taken. The resolution, as revised, was adopted by secret ballot by 17 votes to 4, with 3 abstentions. For the text of the resolution, see chapter II, section A, resolution 1998/1.

Situation of human rights in the Democratic People's Republic of Korea

48. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.7, sponsored by Mr. Bengoa, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Ms. Hampson, Mr. Joinet, Mr. Khalifa, Mr. Oloka-Onyango and Mr. Pinheiro.

49. Ms. Warzazi orally proposed to amend operative paragraph 5 and to add a new paragraph which became paragraph 6.

50. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Diaz Uribe, Mr. Fan Guoxiang, Mr. Joinet and Mr. Sorabjee.

51. At the request of Mr. Alfonso Martínez, a vote was taken. The resolution, as amended, was adopted by secret ballot by 19 votes to 4, with 1 abstention. For the text of the resolution, see chapter II, section A, resolution 1998/2.

Situation of human rights in Bahrain

52. At the same meeting, Ms. Hampson, on behalf of the sponsors, withdrew draft resolution E/CN.4/Sub.2/1998/L.9, sponsored by Mr. Bengoa, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Oloka-Onyango, Mr. Pinheiro and Mr. Weissbrodt, which read as follows:

"_Situation of human rights in Bahrain_

> "_The Sub-Commission on Prevention of Discrimination and Protection of Minorities_,
>
> "_Reaffirming_ the obligation of States under the Charter of the United Nations to promote and encourage universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,
>
> "_Reaffirming also_ its conviction that racism and racial discrimination negate the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,
>
> "_Noting_ that the elected National Assembly of Bahrain was dissolved in August 1975, that for 23 years Bahrain has been without an elected legislature, and that there are no democratic institutions in Bahrain,
>
> "_Noting also_ that Bahrain is facing problems of internationally assisted terrorism, and condemning all acts of terrorism in that country,
>
> "_Recalling_ its resolution 1997/2 of 21 August 1997 in which it noted the serious human rights situation in Bahrain, including discrimination against the indigenous Shi'a population, extrajudicial

killings, persistent use of torture in Bahraini prisons on a large scale as well as the abuse of women and children who are detained, and arbitrary detention without trial or access by detainees to legal advice,

"Welcoming the ratification by the Government of Bahrain of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

"1. Expresses its deep concern about the continuing alleged gross and systematic violations of human rights in Bahrain;

"2. Urges the Government of Bahrain to comply with applicable international human rights standards and to ratify the International Covenants on Human Rights and to take effective domestic measures of implementation and enforcement with regard to its international obligations in the field of human rights;

"3. Requests the Commission on Human Rights at its next session to consider the situation of human rights in Bahrain under its agenda item entitled 'Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories'."

53. A statement in this connection was made by Mr. Alfonso Martínez.

54. The observer for Bahrain made a statement.

Situation of human rights in Algeria

55. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.12, sponsored by Mr. Bengoa, Ms. Hampson, Mr. Joinet, Mr. Pinheiro and Mr. Weissbrodt, which read as follows:

"Situation of human rights in Algeria

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Reaffirming that all Member States have an obligation to promote and protect human rights as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

"Mindful that Algeria is a party to a variety of international and regional human rights and humanitarian obligations,

"Noting Commission on Human Rights resolution 1998/47 of 17 April 1998 in which the Commission stated that terrorism in all its forms and manifestations, can never be justified in any instance and that the most essential and basic human right is the right to life, "Noting also Commission resolution 1998/21 of 9 April 1998 in which the Commission recognized that tolerance and pluralism strengthen democracy and facilitate the enjoyment of all human rights and thereby constitute a sound foundation for civil society, social harmony and peace,

"1. Condemns with utmost severity the campaign of brutality and violence being waged against the residents of Algeria by terrorist groups, including all incidents of massacre, bombing, disappearance, rape, torture, mutilation and other related human rights abuses;

"2. Expresses its concern:

(a) At the mounting evidence of a general climate of violence, exacerbated by systematic human rights abuses perpetrated against Algerians by terrorist groups;

(b) At the inability of human rights defenders to make inquiries which would allow them to document the human rights situation within the country, thereby helping to determine who is responsible for the abuses and the difficulties encountered by the press;

"3. Calls upon the Government of Algeria:

(a) To ensure that no forces for which it is responsible commit violations of human rights such as unlawful killings, disappearances and torture;

(b) To take immediate and concrete action in accordance with international human rights norms in order to maintain and protect the safety of the civilian population of Algeria, including those deprived of their liberty;

(c) To investigate and bring to justice those responsible for terrorizing and murdering Algerian residents, while remaining at all times in strict adherence with international fair trial standards as well as other human rights standards;

(d) To facilitate not only missions of information such as that headed by the former President of Portugal, Mr. Mario Soares, but also investigative missions by national or, if not, international human rights and humanitarian organizations with respect to human rights abuses in Algeria;

(e) To encourage a climate of religious and linguistic tolerance and foster democratic institutions which can protect human rights;

"4. Invites the international community to pay greater attention to the human rights situation in Algeria which would help to foster a climate in which human rights are secured and respected;

"5. Decides:

(a) To recommend that the Commission on Human Rights consider the situation of human rights in Algeria at its next session and to consider the appointment of a Special Rapporteur on the situation of human rights in Algeria;

(b) That, if the Commission is unable to take action on the situation of human rights in Algeria, to continue consideration of the matter at its fifty-first session under the same agenda item."

56. Mr. Weissbrodt orally proposed to revise the draft resolution as follows:

(a) Delete from operative paragraph 3 (b), after the words "to take", the words "immediate and concrete";

(b) Delete from operative paragraph 5 (a), after the words "at its next session", the words "and to consider the appointment of a Special Rapporteur on the situation of human rights in Algeria".

57. The observer for Algeria made a statement.

58. At the request of Mr. Alfonso Martínez and Mr. Khalil, a vote was taken. The resolution, as revised, was rejected by secret ballot by 10 votes to 10, with 4 abstentions.

Violations of the rights of human rights defenders in all countries

59. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.13, sponsored by Mr. Bengoa, Mr. Boutkevitch, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Khalil, Mr. Maxim, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Sik Yuen subsequently withdrew as a sponsor.

60. Mr. Bengoa orally revised operative paragraphs 1 and 4 of the draft resolution.

61. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Joinet, Mr. Kartashkin, Mr. Pinheiro, Mr. Sik Yuen and Mr. Sorabjee.

62. At the request of Ms. Warzazi, consideration of the draft resolution was postponed.

63. At its 26th meeting, on 20 August 1998, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1998/L.13.

64. Mr. Kartashkin proposed to revise operative paragraph 2.

65. Ms. Warzazi proposed to revise operative paragraph 4, as revised by Mr. Bengoa, and to remove the names of the persons listed in operative paragraph 4 and to attach them as an annex to the draft resolution. She further proposed to replace operative paragraph 6 by a new paragraph.

66. Statements in connection with the draft resolution and the proposed revisions were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Fan Guoxiang, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Maxim and Ms. Warzazi.

67. Statements in connection with the draft resolution were made by the observers for Colombia, Honduras, Myanmar, Nigeria, the Philippines, Tunisia and Turkey.

68. At the request of Mr. Alfonso Martínez and Mr. Fan Guoxiang, a vote was taken on the title and on operative paragraphs 2, 5 and 6 of the draft resolution as revised. The title was adopted by 20 votes to 4. Operative paragraph 2 was adopted by 17 votes to 6, with 1 abstention. Operative paragraph 5 was adopted by 19 votes to 5. Operative paragraph 6 was adopted by 22 votes to 2.

69. At the request of Mr. Alfonso Martínez, a vote was taken on the draft resolution as a whole. The draft resolution, as revised, was adopted by secret ballot by 21 votes to 3. For the text of the resolution, see chapter II, section A, resolution 1998/3.

Developments in the situation in Mexico

70. At its 26th meeting, on 20 August 1998, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.18, sponsored by Mr. Bengoa, Mr. Eide, Ms. Hampson, Mr. Joinet and Mr. Pinheiro.

71. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa and Mr. Joinet.

72. The observer for Mexico made a statement.

73. At the request of Mr. Alfonso Martínez and Mr. Bengoa, a vote was taken. The resolution was adopted by secret ballot by 12 votes to 6, with 6 abstentions. For the text of the resolution, see chapter II, section A, resolution 1998/4.

Expression of concern at the human rights situation in Kosovo

74. At the 29th meeting, on 21 August 1998, the Chairman, on behalf of the Sub-Commission, made the following statement concerning the human rights situation in Kosovo (Federal Republic of Yugoslavia):

> "The Sub-Commission expresses its serious concern about the rapidly deteriorating human rights situation in Kosovo (Federal Republic of Yugoslavia) where ethnic hostilities have claimed hundreds of lives and have resulted in the displacement of over 10 per cent of the population. The burning of towns and villages, the destruction of

property and the continuing threat of violence against the civilian population of Kosovo have forcibly displaced up to 250,000 persons, resulting in a serious crisis within the region. The Sub-Commission wishes to make a contribution towards resolving the crisis in Kosovo, in order to ensure the full protection of human rights and in order to address adequately the problematic situation of displacement caused by endemic violence. The Sub-Commission expresses its great appreciation for the international humanitarian organizations working to alleviate the crisis in Kosovo, including the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, and expresses its strong support for these organizations as they work to repair the severe and widespread damage which has resulted from ethnic violence within Kosovo.

"In making this statement, the Sub-Commission hopes to join in these efforts in order to contribute towards the achievement of peace and the protection of human rights in Kosovo. The Sub-Commission wishes to express its strong condemnation of all acts of violence within Kosovo, including the killings and beatings of civilians, as well as those violations of human rights perpetrated by persons who are or are not affiliated with the State. The Sub-Commission supports all the negotiations which should lead to a peaceful and equitable solution for the protection of the human rights of the people of Kosovo."

75. Statements in connection with the Chairman's statement were made by Mr. Kartashkin, Mr. Sorabjee and Ms. Warzazi.

V. COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION:

(a) SITUATION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES;

(b) XENOPHOBIA

76. The Sub-Commission considered item 3 at its 12th to 14th and 26th meetings, on 11, 12 and 20 August 1998.

77. For the list of documents issued under item 3, see annex VI to the present report.

78. At the 13th meeting, on 11 August 1998, Mr. José Bengoa, Mr. Mustapha Mehedi and Ms. Shanti Sadiq Ali, a member of the Committee on the Elimination of Racial Discrimination, presented a joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (E/CN.4/Sub.2/1998/4).

79. In the general debate under item 3, statements 1/ were made by the following members of the Sub-Commission: Mr. Eide (12th, 13th), Ms. Hampson (12th), Mr. Joinet (12th), Mr. Kartashkin (12th), Mr. Khalifa (14th), Ms. Warzazi (12th), Mr. Weissbrodt (12th, 13th).

80. The Sub-Commission also heard a statement by the observer for the International Labour Organization (12th).

81. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Association of Education for Development (12th), American Association of Jurists (12th), Association for World Education (13th), Himalayan Research and Cultural Foundation (12th), Indian Movement "Tupaj Amaru" (12th), Interfaith International (13th), International Association against Torture (joint statement with the December Twelfth Movement) (12th), International Confederation of Free Trade Unions (12th), International Educational Development, Inc. (12th), International Institute for Non-Aligned Studies (12th), International Institute of Peace (12th), International Movement against All Forms of Discrimination and Racism (12th), Movement against Racism and for Friendship Among Peoples (12th), North-South XXI (12th), Society for Threatened Peoples (12th).

82. Statements were made by the observers for: Bangladesh (12th), Mexico (12th), Turkey (12th).

83. A statement equivalent to a right of reply was made by the observer for Mexico (13th).

The concept and practice of affirmative action

84. At its 26th meeting, on 20 August 1998, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.4, sponsored by Mr. Alfonso Martínez,

Mr. Diaz Uribe, Mr. Eide, Mr. Fan Guoxiang, Mr. Fix Zamudio, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Khalifa, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Mr. Sik Yuen, Ms. Udagama, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota.

85. A statement in connection with the draft resolution was made by Mr. Weissbrodt.

86. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1998/5.

The rights of non-citizens

87. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1998/L.6, sponsored by Mr. Eide, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Ms. Warzazi and Mr. Weissbrodt.

88. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Joinet and Mr. Weissbrodt.

89. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1998/103.

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

90. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.24, sponsored by Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Khalil, Mr. Maxim, Mr. Oloka-Onyango, Mr. Sik Yuen, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Bengoa and Mr. Joinet subsequently joined the sponsors.

91. Mr. Weissbrodt orally proposed the following:

(a) To revise the fourth and thirteenth preambular paragraphs;

(b) To add two new paragraphs, which became paragraphs 2 and 5;

(c) To revise operative paragraphs 4, 7 and 13; and

(d) To delete operative paragraph 10.

92. A statement in connection with the draft resolution was made by Mr. Alfonso Martínez.

93. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1998/6.

94. At the same meeting, Mr. Alfonso Martínez withdrew draft resolution E/CN.4/Sub.2/1998/L.25, which he had sponsored and which read as follows:

"World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Reaffirming the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

"Reaffirming also its firm determination and commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination, and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

"Sharing the deep concern of the fifty-fourth session of the Commission on Human Rights, expressed in resolution 1998/26 of 17 April 1998, that despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance persist and are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

"Sharing also the grave concern of the fifty-fourth session of the Commission that despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

"Mindful of the principles of the Philadelphia Declaration, in particular: 'all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity'; and '... all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only insofar as they may be held to promote and not to hinder the achievement of this fundamental objective',*

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* Declaration adopted at the 26th session of the General Conference of ILO, held at Philadelphia in May 1944; the text of the Declaration is annexed to the ILO Constitution.

"Concerned with the phenomenon of globalization, a policy of an economic and financial character, its tendency to separate macroeconomic policies from social objectives, and its effect on the right to development and on the living standards of the masses of people,

"Alarmed by the apparent connection between the advent of globalization, accompanied by a concentration of wealth on the one hand and marginalization and exclusion on the other, and the increase in incidents of racism, racial discrimination, xenophobia and related intolerance,

"Reiterating its endorsement of the conclusion, initially formulated in the preparatory document prepared by Mr. Asbjørn Eide (E/CN.4/Sub.2/1994/21) and repeated in the preliminary report of the Special Rapporteur, Mr. José Bengoa (E/CN.4/Sub.2/1996/14), that the concentration of wealth constitutes a serious obstacle to the realization of human rights, be they economic, social, cultural, political or civil,

"Noting General Assembly resolution 52/111 of 12 December 1997 which the Assembly decided to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held not later than the year 2001,

"Accepting the invitation of the fifty-fourth session of the Commission on Human Rights extended in resolution 1998/26 to carry out studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111, and to transmit its recommendations to the Commission at its fifty-fifth session and, through the Commission, to the Preparatory Committee of the World Conference,

"Noting the objectives set out in General Assembly resolution 52/111, in particular:

(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;

(b) To review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance; and

(c) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance, "1. Decides to recommend to the Commission on Human Rights to recommended to the Economic and Social Council to authorize the Secretary-General to designate one of its members as Special Rapporteur, for a period of three years, to study the relationship between globalization and the increase in incidents of racism, racial discrimination and xenophobia, and to make specific recommendations for action and follow-up;

"2. Requests the Special Rapporteur to submit an initial report to the fifty-first session of the Sub-Commission for its consideration and for transmission, through the Commission on Human Rights, to the Preparatory Committee of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

"3. Requests the Secretary-General to invite Governments, United Nations bodies and agencies, intergovernmental organizations and non-governmental organizations, in particular organizations and associations of victims of racism, racial discrimination and xenophobia, to submit to the Special Rapporteur information on the relationship between globalization and the increase in incidents of racism, racial discrimination and xenophobia;

"4. Requests the Secretary-General to ensure that the Special Rapporteur receives all necessary assistance, in particular the staff and resources required to fulfil his/her mandate;

"5. Decides to consider the question of the relationship between globalization and the increase in incidents of racism, racial discrimination and xenophobia at its next session, under the same agenda item;

"6. Recommends the following draft resolution to the Commission on Human Rights for adoption:

> 'The Commission on Human Rights,
>
> 'Taking note of resolution 1998/... of ... August 1998 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> '1. Requests the Economic and Social Council to authorize the Secretary-General to appoint one of its members as Special Rapporteur with the mandate to study the relationship between globalization and the increase in incidents of racism, racial discrimination and xenophobia and to make specific recommendations for action and follow-up, and to submit an initial report to the fifty-fifth session of the Commission on Human Rights for its consideration and for transmission to the Preparatory Committee of the World Conference, as well as to the fifty-first session of the Sub-Commission;

'2. Approves the Sub-Commission's requests to the Secretary-General:

(a) To invite Governments, United Nations bodies and agencies, intergovernmental organizations and non-governmental organizations, in particular organizations and associations belonging to victims of racism, racial discrimination and xenophobia, to submit to the Special Rapporteur information on the relationship between globalization and the increase in incidents of racism, racial discrimination and xenophobia;

(b) To ensure that the Special Rapporteur receives all necessary assistance, in particular the staff and resources required to fulfil his/her mandate.'"

95. Mr. Alfonso Martínez proposed to replace draft resolution E/CN.4/Sub.2/1998/L.25 by a draft decision entitled "Globalization in the context of the increase in incidents of racism, racial discrimination and xenophobia".

96. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1998/104.

Situation of migrant workers and members of their families

97. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.19, sponsored by Mr. Oloka-Onyango, Mr. Sik Yuen and Ms. Warzazi. Mr. Joinet and Mr. Khalil subsequently joined the sponsors.

98. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1998/10.

VI. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS;

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT;

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS;

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS

99. The Sub-Commission considered item 4 at its 13th to 16th, 26th and 27th meetings, on 11, 12, 13 and 20 August 1998.

100. For a list of documents issued under item 4, see annex VI to the present report.

101. At the 13th meeting, on 11 August 1998, the Special Rapporteur on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution and human rights, Mr. José Bengoa, presented his final report and the addendum thereto (E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8).

102. At the same meeting, Mr. Mustapha Mehedi presented his working paper on the realization of the right to education, including education in human rights (E/CN.4/Sub.2/1998/10).

103. At the 14th meeting, on 12 August 1998, Mr. El Hadji Guissé introduced his working paper on the right of access of everyone to drinking water supply and sanitation services (E/CN.4/Sub.2/1998/7). At the same meeting, Mr. Guissé presented his working document on the impact of the activities of transnational corporations on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1998/6).

104. At the same meeting, Mr. Asbjørn Eide introduced his report updating his study on the right to food (E/CN.4/Sub.2/1998/9).

105. In the general debate under item 4, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (16th), Mr. Bengoa (16th), Ms. Daes (16th), Mr. Eide (14th, 16th), Ms. Hampson (14th), Mr. Joinet (13th, 16th), Mr. Kartashkin (14th), Mr. Khalifa (16th), Mr. Mehedi (14th), Mr. Park (13th, 14th), Mr. Weissbrodt (13th, 14th), Mr. Yokota (15th), Mr. Zhong Shukong (13th, 14th).

106. The Sub-Commission also heard a statement by the observer for the United Nations Educational, Scientific and Cultural Organization (14th).

107. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (16th), Afro-Asian Peoples' Solidarity Organization (15th), Al-Khoei Foundation (15th), American Association of Jurists (14th), Centre

Europe-Tiers Monde (15th), European Union of Public Relations (15th), Franciscans International (15th), Habitat International Coalition (joint statement with Fian-Foodfirst Information and Action Network, Lutheran World Federation, Youth for Unity of Voluntary Action) (16th), Himalayan Research and Cultural Foundation (15th), Indian Council of Education (15th), Indian Movement "Tupaj Amaru" (15th), International Association of Democratic Lawyers (15th), International Confederation of Free Trade Unions (16th), International Educational Development, Inc. (15th), International Federation of Human Rights Leagues (15th), International Institute for Non-Aligned Studies (15th), International Institute for Peace (15th), International Organization for the Development of Freedom of Education (joint statement with Entraide universitaire mondiale) (15th), International Organization for the Elimination of All Forms of Racial Discrimination (16th), International Peace Bureau (15th), Movement against Racism and for Friendship among Peoples (16th), Pax Christi International (15th), Pax Romana (15th), Transnational Radical Party (14th), Union of Arab Jurists (15th), United Towns Agency for North-South Cooperation (15th), Women's International Democratic Federation (16th), World Federation of Trade Unions (15th), World Organization against Torture (15th), World Muslim Congress (16th).

108. Statements were also made by the observers for: Libyan Arab Jamahiriya (16th), Mexico (16th), Sudan (16th).

109. Statements equivalent to a right of reply were made by the observers for: Brazil (16th), Nigeria (16th), Pakistan (16th).

Promotion of the realization of the right to drinking water supply and sanitation services

110. At its 26th meeting, on 20 August 1998, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.2, sponsored by Mr. Eide, Mr. Fan Guoxiang, Mr. Fix Zamudio, Ms. Hampson, Mr. Joinet, Mr. Khalifa, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Mr. Sik Yuen, Ms. Warzazi, Mr. Weissbrodt and Mr. Yokota.

111. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Joinet, Ms. Warzazi and Mr. Weissbrodt.

112. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, 1998/7.

The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations

113. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.3, sponsored by Mr. Boutkevitch, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Kartashkin, Mr. Khalifa, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Mr. Sik Yuen, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Zhong Shukong. Mr. Alfonso Martínez, Mr. Joinet and Mr. Sorabjee subsequently joined the sponsors.

114. Ms. Hampson introduced her proposed amendment to draft resolution E/CN.4/Sub.2/1997/L.3 (E/CN.4/Sub.2/1997/L.20). The amendment was accepted by the sponsors and became operative paragraph 4 (f) of the draft resolution.

115. Mr. Yokota proposed to amend subparagraphs (d) and (f) of operative paragraph 4 of the draft resolution.

116. Statements in connection with the draft resolution and the proposed amendment were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Eide, Mr. Joinet, Ms. Warzazi and Mr. Weissbrodt.

117. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1998/8.

Transmission of Sub-Commission resolution 1996/22 to the Secretary-General

118. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.8, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Boutkevitch, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Khalifa, Mr. Maxim, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Ms. Warzazi and Mr. Yimer. Mr. Joinet subsequently joined the sponsors.

119. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1998/105.

The right to food

120. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1998/L.16, sponsored by Mr. Bengoa, Mr. Boutkevitch, Ms. Daes, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Alfonso Martínez and Mr. Khalil subsequently joined the sponsors.

121. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1998/106.

Forced evictions

122. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.17, sponsored by Mr. Bengoa, Mr. Boutkevitch, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota.

123. A statement in connection with the draft resolution was made by Mr. Alfonso Martínez.

124. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1998/9.

The realization of the right to education, including education in human rights

125. At its 27th meeting, on 20 August 1998, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.21, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Boutkevitch, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Khalil, Mr. Maxim, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Sik Yuen, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota.

126. Mr. Mehedi proposed to add a new paragraph after the eleventh preambular paragraph and to add a new operative paragraph 4.

127. Ms. Warzazi proposed to delete the fifteenth preambular paragraph and to amend operative paragraph 3.

128. Statements in connection with the draft resolution on the proposed amendments were made by Mr. Eide, Mr. Fan Guoxiang, Mr. Kartashkin and Mr. Mehedi.

129. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1998/11.

Human rights as the primary objective of trade, investment and financial policy

130. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.22, sponsored by Mr. Bengoa, Mr. Diaz Uribe, Mr. Eide, Mr. Goonesekere, Ms. Hampson, Mr. Pinheiro and Mr. Weissbrodt.

131. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez and Mr. Eide.

132. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1998/12.

Question of the impunity of perpetrators of violations of economic, social and cultural rights

133. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.23, sponsored by Mr. Boutkevitch, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Goonesekere, Mr. Kartashkin, Mr. Maxim, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park and Mr. Sik Yuen.

134. Mr. Weissbrodt proposed to amend the operative paragraph of the draft resolution.

135. The draft resolution, as amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/13.

Human rights and income distribution

136. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.28, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Eide, Ms. Hampson, Mr. Joinet, Mr. Khalil, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Mr. Sik Yuen, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

137. Mr. Yokota proposed to amend subparagraphs (a), (c) and (d) of operative paragraph 2 of the draft resolution contained in operative paragraph 4.

138. Statements in connection with the draft resolution and the proposed amendments were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Fan Guoxiang, Mr. Kartashkin and Mr. Weissbrodt.

139. The draft resolution, as amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/14.

VII. THE IMPLEMENTATION OF HUMAN RIGHTS WITH REGARD TO WOMEN:

(a) TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND THE GIRL CHILD;

(b) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT

140. The Sub-Commission considered agenda item 5 at its 16th to 18th and 29th meetings, on 13, 14 and 21 August 1998.

141. For the list of documents issued under item 5, see annex VI to the present report.

142. At the 16th meeting, on 13 August 1998, Ms. Halima Embarek Warzazi, Special Rapporteur on traditional practices affecting the health of women and children, introduced her second report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/1998/11).

143. In the general debate under item 5, statements 1/ were made by the following members of the Sub-Commission: Mr. Boutkevitch (17th), Ms. McDougall (17th), Mr. Park (17th).

144. The Sub-Commission also heard statements by the observers for the Office of the United Nations High Commissioner for Refugees (17th) and the United Nations Population Fund (17th).

145. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (18th), African Commission of Health and Human Rights Promoters (joint statement with Femmes Africa Solidarité) (17th), All Pakistan Women's Association (17th), Association tunisienne pour l'auto-développement et la solidarité (17th), European Union of Public Relations (17th), Indian Council of Education (17th), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (17th), Interfaith International (17th), International Association of Democratic Lawyers (17th), International Confederation of Free Trade Unions (18th), International Educational Development, Inc. (17th), International Federation of ACAT (Action of Christians for the Abolition of Torture) (17th), International Peace Bureau (17th), Liberation (17th), Muslim World League (17th), New Human Rights (17th), Transnational Radical Party (17th), Women's International Democratic Federation (17th), World Muslim Congress (17th), World Organization against Torture (17th).

146. Statements were also made by the observers for: Bangladesh (18th), Iran (Islamic Republic of) (18th), Iraq (18th), Mexico (18th), Sudan (18th).

Women and the right to land, property and adequate housing

147. At its 29th meeting, on 21 August 1998, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.29, sponsored by Mr. Boutkevitch,

Mr. Diaz Uribe, Mr. Eide, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Mr. Oloka-Onyango, Mr. Sik Yuen, Mr. Weissbrodt and Mr. Yimer.

148. Mr. Alfonso Martínez proposed to amend operative paragraphs 2, 3, 6, 8, 9 and 10.

149. A statement in connection with the draft resolution was made by Mr. Weissbrodt.

150. The resolution, as amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/15.

Traditional practices affecting the health of women and the girl child

151. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.30, sponsored by Mr. Diaz Uribe, Mr. Eide, Mr. Fan Guoxiang, Mr. Kartashkin, Mr. Khalil, Ms. Koufa, Mr. Maxim, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Sik Yuen, Mr. Sorabjee, Mr. Weissbrodt and Mr. Yimer. Mr. Alfonso Martínez, Ms. Hampson and Mr. Yokota subsequently joined the sponsors.

152. The resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/16.

Situation of women in Afghanistan

153. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.32, sponsored by Mr. Khalil and Ms. Warzazi. Mr. Mehedi subsequently joined the sponsors.

154. Ms. Warzazi proposed to add a new last preambular paragraph.

155. Statements in connection with the draft resolution or the proposed revision were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Khalil and Mr. Mehedi.

156. The observer for Afghanistan made a statement.

157. The draft resolution, as revised, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/17.

VIII. CONTEMPORARY FORMS OF SLAVERY

158. The Sub-Commission considered item 6 at its 18th, 19th and 29th meetings, on 14 and 29 August 1998.

159. For the list of documents issued under item 6, see annex VI to the present report.

160. At the 18th meeting, on 14 August 1998, Ms. Gay J. McDougall, Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, introduced her final report (E/CN.4/Sub.2/1998/13).

161. At the same meeting, the Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, Ms. Halima Embarek Warzazi, introduced the report of the Working Group on its twenty-third session (E/CN.4/Sub.2/1998/14).

162. In the general debate under item 6, statements 1/ were made by the following members of the Sub-Commission: Ms. Daes (19th), Mr. Eide (19th), Mr. Fan Guoxiang (19th), Mr. Maxim (19th), Mr. Park (19th), Mr.Sik Yuen (18th), Mr. Weissbrodt (19th), Mr. Yimer (18th).

163. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Commission of Health and Human Rights Promoters (19th), Anti-Slavery International (19th), Asian Women's Human Rights Council (19th), Christian Solidarity International (18th), Commission of the Churches on International Affairs of the World Council of Churches (19th), European Union of Public Relations (19th), Indian Council of Education (18th), International Association of Democratic Lawyers (18th), International Educational Development, Inc. (19th), International Fellowship of Reconciliation (19th), International Movement against All Forms of Discrimination and Racism (18th), Liberation (joint statement with Kyosei Renko Chosadan) (19th), North-South XXI (19th), Pax Romana (19th), World Federation of Democratic Youth (19th), World Alliance of Reformed Churches (19th).

164. Statements were made by the observers for: Japan (19th), Philippines (19th), Republic of Korea (19th), Sudan (19th).

165. A statement equivalent to a right of reply was made by the observer for Mauritania (19th).

Systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict

166. At its 29th meeting, on 21 August 1998, the Sub-Commission considered draft decision E/CN.4/Sub.2/1998/L.26, sponsored by Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yokota. Mr. Alfonso Martínez, Mr. Mehedi and Mr. Yimer subsequently joined the sponsors.

167. Mr. Alfonso Martínez proposed to revise the third preambular paragraph and operative paragraphs 2, 3, 5, 7, 9, 10 and 14.

168. Statements in connection with the draft resolution were made by Mr. Park and Mr. Yokota.

169. The draft resolution, as revised, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/18.

Report of the Working Group on Contemporary Forms of Slavery

170. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.31, sponsored by Mr. Maxim, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Alfonso Martínez subsequently joined the sponsors.

171. Ms. Warzazi proposed to revise operative paragraph 24 of the draft resolution.

172. The draft resolution, as revised, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/19.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

173. At the same meeting, the Sub-Commission considered a draft resolution on the above subject proposed orally by Ms. Warzazi.

174. Statements in connection with the draft resolution were made by Mr. Weissbrodt and Mr. Yokota.

175. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/20.

IX. HUMAN RIGHTS OF INDIGENOUS PEOPLES:

(a) INDIGENOUS PEOPLES AND THEIR RELATIONSHIP TO LAND

176. The Sub-Commission considered item 7 at its 18th, 20th, 21st and 29th meetings, on 14, 17 and 21 August 1998.

177. For the list of documents issued under item 7, see annex VI to the present report.

178. At the 18th meeting, on 14 August 1998, the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes, introduced the report of the Working Group on its sixteenth session (E/CN.4/Sub.2/1998/16). At the same meeting, Ms. Daes, Special Rapporteur on indigenous people and their relationship to land, presented her progress report on the working paper (E/CN.4/Sub.2/1998/15).

179. At the 21st meeting, on 17 August 1998, Mr. Alfonso Martínez, Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, introduced an informal document containing the unedited English version of his final report.

180. In the general debate under item 7, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (21st), Mr. Eide (18th), Mr. Kartashkin (18th), Mr. Weissbrodt (21st), Mr. Yokota (18th).

181. The Sub-Commission heard statements by representatives of the following non-governmental organizations: American Association of Jurists (20th), Asian Buddhist Conference for Peace (20th), Centre Europe-Tiers Monde (joint statement with World Federation of Democratic Youth) (20th), European Union of Public Relations (20th), Fian-Foodfirst Information and Action Network (20th), Franciscans International (20th), Human Rights Advocates (20th), Indian Council of South America (20th), Indian Movement "Tupaj Amaru" (joint statement with Indigenous World Association) (20th), International Educational Development, Inc. (20th), International Federation of Human Rights Leagues (20th), International Human Rights Association of American Minorities (20th), International Institute of Peace (20th), International Organization of Indigenous Resource Development (20th), International Peace Bureau (20th), Inuit Circumpolar Conference (20th), Movement against Racism and for Friendship among Peoples (20th), North-South XXI (20th), Saami Council (20th), Survival International (21st), World Federation for Mental Health (20th).

182. A statement was made by the observer for Mexico (21st).

Study on indigenous land rights

183. At its 29th meeting, on 21 August 1998, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.27, sponsored by Mr. Alfonso Martínez,

Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Kartashkin, Ms. Koufa, Ms. Hampson, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yokota.

184. A statement in connection with the draft resolution was made by Mr. Eide.

185. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/21.

Study on treaties, agreements and other constructive agreements between States and indigenous populations

186. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1998/L.33, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mr. Eide and Ms. Koufa.

187. The draft decision was adopted without a vote. For the text of the decision see chapter II, section B, decision 1998/107.

International Decade of the World's Indigenous People

188. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.34, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch and Ms. Koufa.

189. Mr. Alfonso Martínez proposed to insert a new operative paragraph as paragraph 5, renumbering the subsequent operative paragraphs accordingly.

190. The draft resolution, as revised, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/22.

Working Group on Indigenous Populations

191. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.35, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch and Ms. Koufa.

192. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/23.

X. PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES

193. The Sub-Commission considered item 8 at its 21st to 24th and 35th meetings, on 17, 18, 19 and 26 August 1998.

194. For the list of documents issued under item 8, see annex VI to the present report.

195. At the 21st meeting, on 17 August 1998, the Chairman-Rapporteur of the Working Group on Minorities, Mr. Asbjørn Eide, introduced the report of the Working Group on its fourth session (E/CN.4/Sub.2/1998/18).

196. In the general debate under item 8, statements 1/ were made by the following members of the Sub-Commission: Mr. Eide (24th), Mr. Fan Guoxiang (22nd), Mr. Kartashkin (22nd), Mr. Khalil (23rd), Mr. Maxim (22nd), Mr. Sorabjee (24th), Mr. Yimer (22nd).

197. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Association of Education for Development (23rd), Afro-Asian People's Solidarity Organization (22nd), Al-Khoei Foundation (22nd), American Association of Jurists (22nd), Asian Women's Human Rights Council (22nd), Association for World Education (22nd), Christian Solidarity International (23rd), European Union of Public Relations (22nd), Franciscans International (23rd), Fraternité Notre-Dame (22nd), Himalayan Research and Cultural Foundation (23rd), International Association for Religious Freedom (23rd), International Association for the Defence of Religious Liberty (23rd), International Association of Democratic Lawyers (22nd), International Educational Development, Inc. (22nd), International Federation of Free Journalists (22nd), International Fellowship of Reconciliation (23rd), International Human Rights Association of American Minorities (23rd), International Institute for Non-Aligned Studies (22nd), International Institute for Peace (22nd), International Movement for Fraternal Union among Races and Peoples (23rd), International Organization against All Forms of Discrimination and Racism (22nd), International Service for Human Rights (23rd), Liberation (23rd), Minority Rights Group (23rd), Movement against Racism and for Friendship among Peoples (23rd), Pax Romana (22nd), Prison Fellowship International (22nd), Transnational Radical Party (22nd), World Federation of Trade Unions (22nd), World Muslim Congress (23rd).

198. Statements were also made by the observers for: Azerbaijan (23rd), Eritrea (23rd), Ethiopia (23rd), Pakistan (23rd), Russian Federation (23rd).

199. Statements equivalent to a right of reply were made by the observers for: Armenia (24th), Azerbaijan (24th), Eritrea (24th), Ethiopia (24th), Latvia (24th), Sudan (23rd).

Prevention of discrimination against and the protection of minorities

200. At its 35th meeting, on 26 August 1998, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.39, sponsored by Mr. Alfonso Martínez, Mr. Diaz Uribe, Mr. Fan Guoxiang, Mr. Genot, Mr. Gómez-Robledo Verduzco,

Mr. Goonesekere, Mr. Kartashkin, Ms. Koufa, Mr. Maxim, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Salinas Rivera subsequently joined the sponsors.

201. A statement in connection with the draft resolution was made by Mr. Alfonso Martínez.

202. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/24.

XI. THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS:

(a) QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY;

(b) APPLICATION OF INTERNATIONAL STANDARDS CONCERNING THE HUMAN RIGHTS OF DETAINED JUVENILES;

(c) GROSS AND MASSIVE VIOLATIONS OF HUMAN RIGHTS AS AN INTERNATIONAL CRIME;

(d) JUVENILE JUSTICE;

(e) PRIVATIZATION OF PRISONS;

(f) INDIVIDUALIZATION OF PROSECUTION AND PENALTIES, AND REPERCUSSIONS OF VIOLATIONS OF HUMAN RIGHTS ON FAMILIES

203. The Sub-Commission considered item 9 at its 24th, 27th, 28th and 35th meetings, on 19, 20, 21 and 26 August 1998.

204. For the list of documents issued under item 9, see annex VI to the present report.

205. At the 24th meeting, on 19 August 1998, the Chairman-Rapporteur of the sessional working group on the administration of justice, Mr. Louis Joinet, introduced the report of the working group (E/CN.4/Sub.2/1998/19).

206. In the general debate under item 9, statements 1/ were made by the following members of the Sub-Commission: Mr. Eide (28th), Ms. Hampson (27th), Mr. Sorabjee (27th), Ms. Warzazi (24th), Mr. Weissbrodt (24th), Mr. Zhong Shukong (24th).

207. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Association of Education for Development (27th), American Association of Jurists (24th), Association tunisienne des mères (28th), Centre Europe-Tiers Monde (24th), Christian Solidarity International (24th), European Union of Public Relations (27th), Franciscans International (28th), Himalayan Research and Cultural Foundation (24th), Indian Movement "Tupaj Amaru" (27th), Interfaith International (24th), International Association of Democratic Lawyers (24th), International Commission of Jurists (24th), International Educational Development, Inc. (24th), International Federation of Human Rights Leagues (27th), International Human Rights Association of American Minorities (28th), International Institute for Peace (24th), International Peace Bureau (28th), International Prison Watch (27th), Inter-Parliamentary Union (27th), Latin American Federation of Associations of Relatives of Disappeared Detainees (joint statement with International Service for Human Rights and Association for the Prevention of Torture) (28th), Liberation (27th), North-South XXI (27th), Pax Christi International (27th), Pax Romana (24th), Society for Threatened Peoples (24th), Transnational Radical Party (24th), War Resisters International (24th), World Federation of Trade Unions (27th), World Muslim Congress (28th).

208. Statements were also made by the observers for: Albania (28th), Spain (28th).

209. Statements equivalent to a right of reply were made by the observers for: Eritrea (28th), Tunisia (28th), Yemen (28th).

Draft international convention on the protection of all persons from enforced disappearance

210. At its 35th meeting, on 26 August 1998, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.46, sponsored by Mr. Diaz Uribe, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Joinet, Mr. Kartashkin, Mr. Khalil, Ms. Koufa, Mr. Oloka-Onyango, Mr. Park, Mr. Salinas Rivera, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Mr. Zhong Shukong. Mr. Alfonso Martínez and Ms. Hampson subsequently joined the sponsors.

211. A statement in connection with the draft resolution was made by Mr. Alfonso Martínez and Mr. Joinet.

212. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/25.

Sessional working group on the administration of justice

213. At the same meeting, the Sub-Commission considered a draft decision on the sessional working group on the administration of justice proposed by Mr. Joinet.

214. Mr. Alfonso Martínez and Mr. Weissbrodt proposed to amend the first paragraph of the draft decision.

215. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Joinet, Ms. Warzazi and Mr. Weissbrodt.

216. The draft decision, as amended, was adopted without a vote. For the text of the decision see chapter II, section B, decision 1998/110.

XII. FREEDOM OF MOVEMENT:

(a) THE RIGHT TO LEAVE ANY COUNTRY, INCLUDING ONE'S OWN, AND TO RETURN TO ONE'S OWN COUNTRY, AND THE RIGHT TO SEEK ASYLUM FROM PERSECUTION;

(b) HUMAN RIGHTS AND POPULATION DISPLACEMENTS

217. The Sub-Commission considered item 10 at its 28th to 30th and 35th meetings, on 21, 24 and 26 August 1998.

218. For the list of documents issued under item 10, see annex VI to the present report.

219. In the general debate under item 10, statements 1/ were made by the following members of the Sub-Commission: Mr. Eide (28th), Ms. Hampson (29th), Mr. Mehedi (28th), Mr. Sorabjee (29th) and Mr. Weissbrodt (28th).

220. The Sub-Commission heard a statement by the observer for the Office of the United Nations High Commissioner for Refugees (28th).

221. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Association of Education for Development (30th), Afro-Asian Peoples' Solidarity Organization (29th), American Association of Jurists (28th), Association of Refugees and Displaced Persons of the Republic of Bosnia-Herzegovina (29th), Centre Europe-Tiers Monde (28th), European Union of Public Relations (29th), Himalayan Research and Cultural Foundation (29th), International Association of Democratic Lawyers (28th), International Educational Development, Inc. (28th), International Institute of Peace (29th), International Organization for the Elimination of All Forms of Racial Discrimination (29th), Liberation (29th), Movement against Racism and for Friendship among Peoples (29th), North-South XXI (28th), Prison Fellowship International (29th), Society for Threatened Peoples (28th), Survival International (30th), Transnational Radical Party (28th), Women's International Democratic Federation (30th), World Muslim Congress (30th), Worldview International Foundation (28th).

222. Statements were also made by the observers for: Cyprus (30th), Egypt (30th), Eritrea (30th), Ethiopia (30th), Mexico (30th).

223. Statements equivalent to a right of reply were made by the observers for: Algeria (30th), Cyprus (30th), Eritrea (30th), Ethiopia (30th), India (30th), Morocco (30th), Turkey (30th).

Housing and property restitution in the context of the return of refugees and internally displaced persons

224. At its 35th meeting, on 26 August 1998, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.41, sponsored by Mr. Eide, Mr. Genot, Ms. Koufa, Mr. Mehedi, Mr. Park, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Goonesekere, Ms. Hampson, Mr. Joinet and Mr. Maxim subsequently joined the sponsors.

225. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez and Mr. Joinet.

226. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/26.

Forced population transfer

227. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.43, sponsored by Mr. Diaz Uribe, Mr. Eide, Ms. Hampson, Mr. Joinet, Ms. Koufa, Mr. Khalil and Ms. Warzazi.

228. Mr. Park proposed to amend the first preambular paragraph and Mr. Shamshur proposed to amend the second preambular paragraph. Ms. Hampson proposed to revise the last preambular paragraph.

229. Ms. Warzazi made corrections to the French version of the second preambular paragraph.

230. Mr. Eide proposed to revise operative paragraph 2.

231. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Eide and Mr. Joinet.

232. The draft resolution, as amended and revised, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/27.

XIII. SITUATION REGARDING THE PROMOTION, FULL REALIZATION AND PROTECTION OF THE RIGHTS OF CHILDREN AND YOUTH

233. The Sub-Commission considered agenda item 11 at its 30th and 31st meetings, on 24 August 1998.

234. For the list of documents issued under item 11, see annex VI to the present report.

235. In the general debate under item 11, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (31st), Mr. Eide (30th), Mr. Weissbrodt (30th).

236. The Sub-Commission heard statements by the representatives of the following non-governmental organizations: Enfants du Monde-droits de l'homme (30th), Franciscans International (30th), Himalayan Research and Cultural Foundation (30th), International Association for the Defence of Religious Liberty (30th), International Educational Development, Inc. (30th), International Institute for Non-Aligned Studies (30th), International Institute for Peace (30th), Pax Romana (30th), World Muslim Congress (30th), World Organization against Torture (30th).

237. Statements were also made by the observers for: Cuba (30th), Iran (Islamic Republic of) (30th), Mexico (31st).

XIV. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED:

(a) THE FIFTIETH ANNIVERSARY OF THE ADOPTION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS;

(b) REVIEW OF DEVELOPMENTS CONCERNING RECOMMENDATIONS AND DECISIONS RELATING, INTER ALIA, TO: (i) PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS; (ii) ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF; (iii) ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS; (iv) HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS;

(c) REVIEW OF ISSUES NOT PREVIOUSLY THE SUBJECT OF STUDIES BUT WHICH THE SUB-COMMISSION HAD DECIDED TO EXAMINE: (i) IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS; (ii) TERRORISM AND HUMAN RIGHTS; (iii) INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE;

(d) HUMAN RIGHTS AND DISABILITY;

(e) OTHER NEW DEVELOPMENTS: (i) ADVERSE CONSEQUENCES OF THE TRANSFER OF ARMS AND ILLICIT TRAFFICKING IN ARMS ON THE ENJOYMENT OF HUMAN RIGHTS; (ii) ARBITRARY DEPRIVATION OF NATIONALITY

238. The Sub-Commission considered item 12 at its 30th, 31st, 34th and 35th meetings, on 24 and 26 August 1998.

239. For the list of documents issued under item 12, see annex VI to the present report.

Special meeting to commemorate the fiftieth anniversary of UDHR

240. At the 34th meeting, on 26 August 1998, the Sub-Commission held a special meeting to commemorate the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights.

241. In this connection, statements were made by the following speakers: Ms. Mary Robinson, United Nations High Commissioner for Human Rights, Mr. Eide (on behalf of the Western European Group), Mr. Fan Guoxiang (on behalf of the Asian Group), Mr. Goonesekere, Ms. Hampson, Mr. Khalil (on behalf of the African Group), Mr. Kartashkin (on behalf of the Eastern European Group), Mr. Mehedi, Mr. Salinas Rivera (on behalf of the Latin American Group), Mr. Sorabjee, Mr. Yokota, Ms. Warzazi.

242. At the 30th meeting, on 24 August 1998, Ms. Kalliopi Koufa, Special Rapporteur on the question of human rights and terrorism, made a statement.

243. In the general debate under item 12, statements 1/ were made by the following members of the Sub-Commission: Mr. Eide (31st, 34th), Mr. Genot (31st), Mr. Goonesekere (30th), Ms. Hampson (31st), Mr. Kartashkin (34th), Mr. Khalil (30th), Mr. Mehedi (31st, 34th), Mr. Park (31st), Mr. Sorabjee (31st, 34th), Ms. Warzazi (31st, 34th), Mr. Weissbrodt (34th).

244. The Sub-Commission heard a statement by the observer for the Office of the United Nations High Commissioner for Refugees (31st).

245. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Commission of Health and Human Rights Promoters (31st), Afro-Asian Peoples' Solidarity Organization (31st), American Association of Jurists (31st), Association for the Prevention of Torture (34th), Association for World Education (30th), Centre Europe-Tiers Monde (31st), Christian Solidarity International (31st), Consultative Council of Jewish Organizations (31st), European Union of Public Relations (31st), Franciscans International (34th), Himalayan Research and Cultural Foundation (31st), Interfaith International (34th), International Association for Religious Freedom (30th), International Buddhist Foundation (31st), International Council of Jewish Women (34th), International Educational Development, Inc. (31st), International Federation of Human Rights Leagues (31st), International Institute for Non-Aligned Studies (31st), International Institute for Peace (31st), International Organization for the Development of Freedom of Education (34th), International Prison Watch (31st), Pax Christi International (34th), Pax Romana (joint statement with World Organization against Torture) (31st), Prison Fellowship International (joint statement with Christian Solidarity Worldwide) (31st), War Resisters International (31st), World Federation for Mental Health (31st), World Federation of Trade Unions (31st), World Muslim Congress (34th).

246. At its 34th meeting, on 26 August 1998, the Sub-Commission heard statements by the observers for: Algeria, Armenia, Azerbaijan, Egypt, Eritrea, Ethiopia, Pakistan, Sudan, Turkey.

247. At the same meeting, statements equivalent to a right of reply were made by the observers for: Eritrea, Ethiopia, Viet Nam.

Promotion of dialogue on human rights issues

248. At its 35th meeting, on 26 August 1998, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.36, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mr. Diaz Uribe, Mr. Eide, Mr. Fan Guoxiang, Mr. Genot, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Kartashkin, Mr. Khalil, Ms. Koufa, Mr. Maxim, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Joinet subsequently joined the sponsors.

249. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/28.

Human rights and terrorism

250. At the same meeting the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.37, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Boutkevitch, Mr. Diaz Uribe, Mr. Eide, Mr. Fan Guoxiang, Mr. Genot, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Ms. Hampson, Mr. Kartashkin, Mr. Khalil, Mr. Maxim, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Joinet subsequently joined the sponsors.

251. Statements in connection with the draft resolution were made by Mr. Joinet, Mr. Salinas Rivera and Ms. Warzazi.

252. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/29.

Working paper on a study of weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering

253. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1998/L.38, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mr. Diaz Uribe, Mr. Eide, Mr. Fan Guoxiang, Mr. Genot, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Ms. Hampson, Mr. Kartashkin, Mr. Khalil, Ms. Koufa, Mr. Maxim, Mr. Mehedi, Mr. Park, Mr. Salinas Rivera, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Joinet subsequently joined the sponsors.

254. Statements in connection with the draft decision were made by Mr. Genot and Ms. Hampson.

255. The draft decision was adopted without a vote. For the text of the decision see chapter II, section B, decision 1998/111.

Adverse consequences of economic sanctions on the enjoyment of human rights

256. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1998/L 40, sponsored by Mr. Boutkevitch, Mr. Diaz Uribe, Mr. Eide, Mr. Genot, Mr. Gómez-Robledo Verduzco, Ms. Hampson, Mr. Khalil, Ms. Koufa, Mr. Maxim, Mr. Park, Mr. Salinas Rivera, Mr. Sik Yuen and Ms. Warzazi. Mr. Joinet and Mr. Mehedi subsequently joined the sponsors.

257. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Genot, Mr. Joinet, Mr. Kartashkin and Mr. Salinas Rivera.

258. The draft decision was adopted without a vote. For the text of the decision see chapter II, section B, decision 1998/112.

Reservations to human rights treaties

259. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1998/L.42, sponsored by Mr. Diaz Uribe, Mr. Eide,

Mr. Fan Guoxiang, Mr. Genot, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Khalil, Ms. Koufa, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Park, Mr. Salinas Rivera, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota.

260. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Eide, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Mehedi, Ms. Warzazi, Mr. Weissbrodt and Mr. Yokota.

261. The draft decision was adopted without a vote. For the text of the decision see chapter II, section B, decision 1998/113.

Humanitarian situation in Iraq

262. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1998/L.44, sponsored by Mr. Diaz Uribe, Mr. Eide, Ms. Hampson, Mr. Joinet, Mr. Khalil, Mr. Maxim and Ms. Warzazi. Mr. Mehedi subsequently joined the sponsors.

263. Ms. Warzazi proposed to revise the draft decision.

264. Statements in connection with the draft decision were made by Mr. Eide, Mr. Joinet and Ms. Warzazi.

265. The draft decision, as revised, was adopted without a vote. For the text of the decision see chapter II, section B, decision 1998/114.

Adverse effects of anti-personnel landmines

266. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1998/L.45, sponsored by Mr. Diaz Uribe, Mr. Genot, Ms. Hampson, Ms. Koufa, Mr. Oloka-Onyango, Mr. Salinas Rivera and Mr. Weissbrodt. Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Joinet, Mr. Maxim, Mr. Mehedi, Mr. Sik Yuen and Mr. Yimer subsequently joined the sponsors.

267. Mr. Joinet proposed to revise the title of the draft resolution.

268. Ms. Warzazi proposed to amend the resolution by inserting a new eleventh preambular paragraph and a new operative paragraph 5.

269. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Fan Guoxiang, Mr. Genot, Ms. Hampson, Mr. Joinet, Mr. Khalil, Mr. Park, Mr. Salinas Rivera, Ms. Warzazi, Mr. Weissbrodt and Mr. Yokota.

270. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1998/30.

Observance of human rights by States not parties to United Nations human rights conventions

271. At the same meeting, the Sub-Commission considered a draft decision proposed by Mr. Eide, Mr. Kartashkin, Ms. Koufa and Mr. Mehedi.

272. Mr. Eide proposed to revise the draft decision.

273. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Fan Guoxiang, Mr. Joinet, Mr. Kartashkin, Ms. Warzazi and Mr. Yokota.

274. The draft decision, as revised, was adopted without a vote. For the text of the decision see chapter II, section B, decision 1998/115.

XV. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

275. The Sub-Commission considered item 13 at its 32nd, 33rd and 36th meetings on 25 and 28 August 1998.

276. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of no more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

277. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

278. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its twenty-sixth session, held from 20 to 31 July 1998 (E/CN.4/Sub.2/1998/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its forty-ninth session in 1997, as well as all government replies relevant to the material before it. The Sub-Commission noted with appreciation that a large number of government replies, including detailed and substantive replies, had been received in response to communications forwarded to Governments under Council resolution 728 F (XXVIII), and was pleased to see an increasing display of international cooperation. The Sub-Commission wishes to stress in this connection that government cooperation is essential for the proper functioning of the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII). In view of the number and volume of replies submitted under the 1503 procedure by Governments, the Sub-Commission requests that Governments consider submitting, whenever possible, five copies of each reply to the secretariat of the 1503 procedure.

279. The Sub-Commission wishes to reiterate that in accordance with Council resolution 1503 (XLVIII), its Working Group on Communications has a mandate to "consider all communications ... received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959", and that resolution 728 F refers to communications, "however addressed". It is therefore the view of the Sub-Commission that communications sent by e-mail should not be excluded from the 1503 procedure.

280. Mr. F. Yimer, Chairman-Rapporteur of the Working Group on Communications, introduced the Working Group's report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its forty-ninth session.

281. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission also decided to defer action on certain communications to its fifty-first session in 1999, and to take no action with regard to other communications.

282. At its 36th meeting (closed part), on 28 August 1998, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

283. At its 36th meeting, on 28 August 1998, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its fifty-first session. For the composition of the Working Group, see chapter II, section B, decision 1998/109.

XVI. CONCLUDING ITEMS:

(a) CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION;

(b) DRAFT PROVISIONAL AGENDA FOR THE FIFTY-FIRST SESSION OF THE SUB-COMMISSION;

(c) ADOPTION OF THE REPORT ON THE FIFTIETH SESSION

284. The Sub-Commission considered agenda item 14 at its 36th meeting, on 28 August 1998.

285. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, the Sub-Commission had before it document E/CN.4/Sub.2/1998/L.1 containing the draft provisional agenda for the fifty-first session of the Sub-Commission.

286. Statements in connection with the draft provisional agenda were made by Mr. Alfonso Martínez, Mr. Fan Guoxiang, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Ms. Warzazi and Mr. Weissbrodt.

287. At the proposal of Ms. Warzazi, the Sub-Commission agreed to delete from the title of item 2, the words "and of apartheid".

288. The draft provisional agenda reads as follows:

1. Organization of work:

   (a) Election of officers;

   (b) Adoption of the agenda;

   (c) Methods of work of the Sub-Commission.

   Legislative authority: Commission on Human Rights resolution 1998/28; Sub-Commission resolution 1992/8 and decisions 1994/117, 1995/112, 1995/113, 1997/113 and 1998/108.

   Documentation:

   New revised working paper by Mr. Hatano relating to the methods of work of the Sub-Commission (decision 1998/108).

2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

   Legislative authority: Sub-Commission resolutions 1998/1, 1998/2, 1998/3 and 1998/4; Chairman's statement on the Bhutanese refugees agreed on by consensus by the Sub-Commission, made on 19 August 1998.

Documentation:

Report of the High Commissioner for Human Rights (resolution 1998/3, para. 5).

3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination:

(a) Situation of migrant workers and members of their families;

(b) Xenophobia.

Legislative authority: Sub-Commission resolutions 1994/4, 1998/5, 1998/6 and 1998/10 and decisions 1998/103 and 1998/104.

Documentation:

(a) Preliminary report of the Special Rapporteur on the concept and practice of affirmative action (resolution 1998/5, para. 2);

(b) Working paper by Mr. Pinheiro on proposals for the work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (resolution 1998/6, para. 9);

(c) Working paper by Mr. Weissbrodt on the rights of persons who are not citizens of the country in which they live (decision 1998/103);

(d) Working paper by Mr. Oloka-Onyango on the topic of globalization in the context of the increase in incidents of racism, racial discrimination and xenophobia (decision 1998/104).

4. The realization of economic, social and cultural rights:

(a) The international economic order and the promotion of human rights;

(b) The realization of the right to development;

(c) The question of transnational corporations;

(d) The realization of the right to education, including education in human rights.

Legislative authority: Sub-Commission resolutions 1989/1, 1996/22, 1998/7, 1998/8, 1998/9, 1998/11, 1998/12 and 1998/14 and decision 1998/106.

Documentation:

(a) Preliminary report of the Special Rapporteur on the promotion of the realization of the right to drinking water supply and sanitation (resolution 1998/7, para. 3);

(b) Report of the sessional working group on the working methods and activities of transnational corporations (resolution 1998/8, para. 5);

(c) Detailed working paper by Mr. Mehedi on the right to education (resolution 1998/11, para. 3);

(d) Working paper by Mr. Oloka-Onyango and Ms. Udagama on human rights as the primary objective of trade, investment and financial policy (resolution 1998/12, paras. 4 and 5);

(e) Updated study on the right to food by Mr. Eide (decision 1998/106).

5. The implementation of human rights with regard to women:

(a) Traditional practices affecting the health of women and the girl child;

(b) The role and equal participation of women in development.

Legislative authority: Sub-Commission resolutions 1998/16 and 1998/17.

Documentation:

(a) Report of the Special Rapporteur on traditional practices affecting the health of women and the girl child (resolution 1998/16, para. 9);

(b) Report of the Secretary-General (resolution 1998/17, para. 6).

6. Contemporary forms of slavery

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41, 1998/18, 1998/19 and 1998/20.

Documentation:

(a) Updated report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict (resolution 1998/18, para. 13);

(b) Report of the Working Group on Contemporary Forms of Slavery on its twenty-fourth session (resolution 1998/19).

7. Human rights of indigenous peoples:

(a) Indigenous peoples and their relationship to land

Legislative authority: Economic and Social Council resolutions 1982/34 and 1989/77; Commission on Human Rights resolution 1998/13; Sub-Commission resolutions 1998/21 and 1998/23 and decision 1998/107.

Documentation:

(a) Final working paper of the Special Rapporteur on indigenous land rights (resolution 1998/21, para. 3);

(b) Report of the Working Group on Indigenous Populations on its seventeenth session (resolution 1998/23);

(c) Final report of the Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations (decision 1998/107).

8. Prevention of discrimination against and the protection of minorities

Legislative authority: Commission on Human Rights resolutions 1995/24 and 1998/19; Sub-Commission resolutions 1994/4 and 1998/24.

Documentation:

Report of the Working Group on its fifth session (resolution 1998/24).

9. The administration of justice and human rights:

(a) Question of human rights and states of emergency;

(b) Application of international standards concerning the human rights of detained juveniles;

(c) Gross and massive violations of human rights as an international crime;

(d) Juvenile justice;

(e) Privatization of prisons;

(f) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

Legislative authority: Sub-Commission decision 1998/110.

10. Freedom of movement:

(a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution;

(b) Human rights and population displacements.

Legislative authority: Sub-Commission resolutions 1994/24 and 1998/26.

11. Situation regarding the promotion, full realization and protection of the rights of children and youth.

12. Review of further developments in fields with which the Sub-Commission has been or may be concerned:

(a) Review of developments concerning recommendations and decisions relating, inter alia, to:

(i) Promotion, protection and restoration of human rights at national, regional and international levels;

(ii) Encouragement of universal acceptance of human rights instruments and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions;

(b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

(i) Implications of humanitarian activities for the enjoyment of human rights;

(ii) Terrorism and human rights;

(c) Human rights and disability;

(d) Other new developments:

(i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights;

(ii) Arbitrary deprivation of nationality.

Legislative authority: Sub-Commission resolutions 1998/28, 1998/29 and 1998/30 and decisions 1998/111, 1998/112, 1998/113 and 1998/115.

Documentation:

(a) Preliminary report by the Special Rapporteur on terrorism and human rights (resolution 1998/29, para. 1);

(b) Working paper by Ms. Forero Ucros concerning a study on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering (decision 1998/111);

(c) Working paper by Ms. Hampson on the question of reservations to human rights treaties (decision 1998/113);

(d) Working paper by Mr. Kartashkin on observance of the human rights and fundamental freedoms contained in the Universal Declaration on Human Rights by States which are not parties to United Nations human rights conventions (decision 1998/115).

13. Communications concerning human rights: report of the Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

Documentation:

Confidential report of the Working Group and supporting papers.

14. Concluding items:

(a) Consideration of the future work of the Sub-Commission;

(b) Draft provisional agenda for the fifty-second session of the Sub-Commission;

(c) Adoption of the report of the fifty-first session.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fifty-second session of the Sub-Commission, together with information concerning documentation relating thereto.

289. At the same meeting, the Sub-Commission had before it the draft report on the work of its fiftieth session (E/CN.4/Sub.2/1998/L.10 and addenda, and E/CN.4/Sub.2/1998/L.11 and addenda).

290. Statements in this connection were made by Mr. Alfonso Martínez, Mr. Joinet, Mr. Khalil and Ms. Warzazi.

291. At the same meeting, the Sub-Commission adopted the draft report ad referendum and decided to entrust the Rapporteur with its finalization.

292. At the same meeting, concluding remarks were made by Mr. Guissé, Chairman of the fiftieth session of the Sub-Commission. Mr. Alfonso Martínez (on behalf of the Latin American Group), Mr. Kartashkin (on behalf of the East European Group), Mr. Park (on behalf of the Asian Group), Ms. Warzazi (on behalf of the African Group) and Mr. Weissbrodt (on behalf of the Western Group) also made concluding remarks.

Note

1/ The numbers in parentheses indicate the meeting at which the statement was made.

Annex I

AGENDA

1. Organization of work:

   (a) Election of officers;

   (b) Adoption of the agenda;

   (c) Methods of work of the Sub-Commission.

2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination:

   (a) Situation of migrant workers and members of their families;

   (b) Xenophobia.

4. The realization of economic, social and cultural rights:

   (a) The international economic order and the promotion of human rights;

   (b) The realization of the right to development;

   (c) The question of transnational corporations;

   (d) The realization of the right to education, including education in human rights.

5. The implementation of human rights with regard to women:

   (a) Traditional practices affecting the health of women and the girl child;

   (b) The role and equal participation of women in development.

6. Contemporary forms of slavery.

7. Human rights of indigenous peoples:

   (a) Indigenous peoples and their relationship to land.

8. Prevention of discrimination against and the protection of minorities.

9. The administration of justice and human rights:

   (a) Question of human rights and states of emergency;

   (b) Application of international standards concerning the human rights of detained juveniles;

   (c) Gross and massive violations of human rights as an international crime;

   (d) Juvenile justice;

   (e) Privatization of prisons;

   (f) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

10. Freedom of movement:

   (a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution;

   (b) Human rights and population displacements.

11. Situation regarding the promotion, full realization and protection of the rights of children and youth.

12. Review of further developments in fields with which the Sub-Commission has been or may be concerned:

   (a) The fiftieth anniversary of the adoption of the Universal Declaration of Human Rights;

   (b) Review of developments concerning recommendations and decisions relating, inter alia, to:

      (i) Promotion, protection and restoration of human rights at national, regional and international levels;

      (ii) Elimination of all forms of intolerance and of discrimination based on religion or belief;

      (iii) Encouragement of universal acceptance of human rights instruments;

      (iv) Human rights and scientific and technological developments;

(c) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

(i) Implications of humanitarian activities for the enjoyment of human rights;

(ii) Human rights and terrorism;

(iii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(d) Human rights and disability;

(e) Other new developments:

(i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights;

(ii) Arbitrary deprivation of nationality.

13. Communications concerning human rights; report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

14. Concluding items:

(a) Consideration of the future work of the Sub-Commission;

(b) Draft provisional agenda for the fifty-first session of the Sub-Commission;

(c) Adoption of the report on the fiftieth session.

Annex II

LIST OF ATTENDANCE

Members and alternates

Name	Country of nationality
Mr. Miguel Alfonso Martinez	(Cuba)
Mr. José Bengoa	(Chile)
Mr. Alejandro Salinas Rivera*	
Mr. Volodymir Boutkevitch	(Ukraine)
Mr. Oleg Shamshur*	
Ms. Erica-Irene Daes	(Greece)
Ms. Kalliopi Koufa*	
Mr. Alberto Diaz Uribe*	(Colombia)
Mr. Asbjörn Eide	(Norway)
Mr. Fan Guoxiang	(China)
Mr. Zhong Shukong*	
Mr. Héctor Fix Zamudio	(Mexico)
Mr. Alonso Gómez-Robledo Veduzco*	
Mr. Guy Genot*	(Belgium)
Mr. Rajendra Kalidas Wimala Goonesekere	(Sri Lanka)
Ms. Deepika Udagama*	
Mr. El Hadji Guissé	(Senegal)
Ms. Françoise Jane Hampson	(United Kingdom of Great Britain and Northern Ireland)
Ms. Helena Cook*	
Mr. Louis Joinet	(France)
Mr. Emmanuel Decaux*	
Mr. Ahmed Khalifa	(Egypt)
Mr. Ahmed Khalil*	
Mr. Ioan Maxim	(Romania)
Mr. Mustapha Mehedi	(Algeria)

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* Alternate

Name	Country of nationality
Mr. Joseph Oloka-Onyango	(Uganda)
Mr. Sang Yong Park Mr. Myung Chul Hahm*	(Republic of Korea)
Mr. Paulo Sérgio Pinheiro	(Brazil)
Mr. Teimuraz Ramishvili Mr. Vladimir Kartashkin*	(Russian Federation)
Mr. Yeung Kam Yeung Sik Yuen	(Mauritius)
Mr. Soli Jehangir Sorabjee	(India)
Ms. Halima Embarek Warzazi	(Morocco)
Mr. David Weissbrodt Ms. Gay McDougall*	(United States of America)
Mr. Fisseha Yimer	(Ethiopia)
Mr. Yozo Yokota*	(Japan)

States Members of the United Nations represented by observers

Afghanistan, Albania, Algeria, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bhutan, Brazil, Bulgaria, Canada, Chile, China, Congo, Costa Rica, Côte D'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malaysia, Malta, Mauritania, Mexico, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zambia.

Non-member States represented by observers

Holy See, Switzerland.

Other observers

Palestine.

United Nations bodies

Office for the Coordination of Humanitarian Affairs, Office of the United Nations High Commissioner for Refugees, Subcommittee on Nutrition of the United Nations Administrative Committee on Coordination, United Nations Centre for Human Settlements, United Nations Children's Fund, United Nations Conference on Trade and Development, United Nations Development Programme, United Nations Institute for Disarmament Research, United Nations Non-Governmental Liaison Service, United Nations Population Fund, United Nations Research Institute for Social Development, United Nations Volunteers.

Specialized agencies

Food and Agriculture Organization of the United Nations, International Labour Organization, International Monetary Fund, International Telecommunication Union, United Nations Educational, Scientific and Cultural Organization, World Health Organization.

Intergovernmental organizations

Arab Labour Organization, European Commission, International Organization for Migration, League of Arab States, Organization of the Islamic Conference.

Other organizations

International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Observatoire national des droits de l'homme (de l'Algérie).

Non-governmental organizations

General consultative status

Al-Khoei Foundation, Franciscans International, International Alliance of Women, International Association for Religious Freedom, International Association of Soldiers for Peace, International Confederation of Free Trade Unions, International Council of Women, International Council on Social Welfare, International Institute for Non-Aligned Studies, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Muslim World League, Transnational Radical Party, Women's International Democratic Federation, World Confederation of Labour, World Conference on Religion and Peace, World Federation of Democratic Youth, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress.

Special consultative status

African Association of Education for Development, African Commission of Health and Human Rights Promoters, Afro-Asian Peoples' Solidarity Organization, All Pakistan Women's Association, American Association of Jurists, Amnesty International, Anti-Racism Information Service, Anti-Slavery International, Arab Lawyers Union, Arab Organization for Human Rights, Asian Buddhist

Conference for Peace, Asian Women's Human Rights Council, Association for the Prevention of Torture, Association of Refugees and Displaced Persons of the Republic of Bosnia-Herzegovina, Association tunisienne des mères, Atlas - Association tunisienne pour l'auto-développement et la solidarité, Baha'i International Community, Caritas Internationalis, Center for Justice and International Law, Coalition Against Trafficking in Women, Commission for the Defence of Human Rights in Central America, Commission of the Churches on International Affairs of the World Council of Churches, Consultative Council of Jewish Organizations, Dayemi Complex Bangladesh, December Twelfth Movement International Secretariat, Enfants du monde-droits de l'homme, Federal Union of European Nationalities, Fraternité Notre-Dame, General Arab Women's Federation, General Conference of the Seventh Day Adventists, Habitat International Coalition, Himalayan Research and Cultural Foundation, Human Rights Advocates, Inc., Human Rights Internet, Human Rights Watch, Indian Council of Education, Indian Movement "Tupaj Amaru", Indigenous World Association, Inter-African Committee on Traditional Practices, Interfaith International, International Association Against Torture, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Judges, International Commission of Jurists, International Council of Jewish Women, International Federation of ACAT (Action of Christians for the Abolition of Torture), International Federation of Human Rights Leagues, International Federation of Journalists, International Federation of Social Workers, International Federation of University Women, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Human Rights Law Group, International Indian Treaty Council, International Institute of Humanitarian Law, International League for Human Rights, International Movement for Fraternal Union Among Races and Peoples, International Organization for the Development of Freedom of Education, International Organization for the Elimination of All Forms of Racial Discrimination, International Organization of Indigenous Resource Development, International Prison Watch, International Service for Human Rights, International Work Group for Indigenous Affairs, Inuit Circumpolar Conference, Latin American Federation of Associations of Relatives of Disappeared Detainees, Lutheran World Federation, Network of Women's Non-Governmental Organizations in the Islamic Republic of Iran, New Humanity, New Human Rights, North-South XXI, Organisation tunisienne de l'éducation et de la famille, Pan Pacific & South East Asia Women's Association, Pax Christi International, Pax Romana, Penal Reform International, Prison Fellowship International, Socialist International Women, Society for Threatened Peoples, Susila Dharma International Association, Union of Arab Jurists, United Towns Agency for North-South Cooperation, War Resisters International, Women's International League for Peace and Freedom, World Association of Former United Nations Interns and Fellows, World Association for Psychosocial Rehabilitation, World Association of Girl Guides and Girl Scouts, World Federation for Mental Health, World Federation of Methodist and Uniting Church Women, World Jewish Congress, World Movement of Mothers, World Union of Catholic Women's Organizations, Worldview International Foundation, World Vision International, World Young Women's Christian Association.

Roster

Association for World Education, Association of World Citizens, Caucasians United for Reparations and Emancipation, Centre Europe - Tiers Monde, Christian Solidarity International, European Union of Public Relations, European Union of Women, Fian-Foodfirst Information, Indian Law Resource Centre, International Buddhist Foundation, International Council of Psychologists, International Educational Development, Inc., International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Federation of Free Journalists, International Human Rights Association of American Minorities, International Institute for Peace, International Movement Against All Forms of Discrimination and Racism, International Peace Bureau, International Police Association, Liberation, Minority Rights Group, Movement Against Racism and for Friendship Among Peoples, Regional Council on Human Rights in Asia, Saami Council, Servas International, Soka Gakkai International, Survival International, Third World Movement Against the Exploitation of Women, World Alliance of Reformed Churches, World Association for the School as an Instrument of Peace, World Christian Life Community, World Organization Against Torture, World Union for Progressive Judaism.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FIFTIETH SESSION

1. It is anticipated that the requirements related to resolutions and decisions adopted by the Sub-Commission at its fiftieth session, which are to be considered by the Commission on Human Rights at its fifty-fifth session, would be absorbed from within the provisions made under section 21 of the 1999-2000 programme budget for activities mandated by the Economic and Social Council. If warranted, statements on administrative and programme budget implications will be prepared.

2. Should the draft resolution and decisions recommended to the Commission on Human Rights at its fifty-fifth session be adopted, additional resources which would be required under section 21 would be the subject of a statement on administrative and programme budget implications and included in the report of the Commission. Accordingly, no statements on administrative and programme budget implications are included in the present report in respect of resolutions and decisions adopted by the Sub-Commission at its fiftieth session.

Annex IV

SUB-COMMISSION RESOLUTIONS AND DECISIONS REFERRING TO MATTERS WHICH ARE DRAWN TO THE ATTENTION OF THE COMMISSION ON HUMAN RIGHTS

1998/1	Situation of human rights in Belarus, paragraph 4
1998/2	Situation of human rights in the Democratic People's Republic of Korea, paragraph 7
1998/4	Developments in the situation in Mexico, paragraph 3
1998/6	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, paragraph 10
1998/8	The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations, paragraph 4
1998/9	Forced evictions, paragraph 9
1998/13	Question of the impunity of perpetrators of violations of economic, social and cultural rights, operative paragraph
1998/19	Report of the Working Group on Contemporary Forms of Slavery, paragraph 58
1998/23	Working Group on Indigenous Populations, paragraphs 3, 4, 9
1998/25	Draft international convention on the protection of all persons from enforced disappearance, paragraphs 1, 2
1998/105	Transmission of Sub-Commission resolution 1996/22 to the Secretary-General

Annex V

LIST OF STUDIES AND REPORTS:

A. STUDIES AND REPORTS COMPLETED AT THE FIFTIETH SESSION OF THE SUB-COMMISSION a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
4	Human rights and income distribution b/	Mr. Bengoa	Commission on Human Rights decision 1995/105 Sub-Commission decision 1997/107	Forty-seventh session (1995)	Fiftieth session (1998)
6	Systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict c/	Ms. McDougall	Commission on Human Rights decision 1996/107 Sub-Commission decision 1997/114	Forty-eighth session (1996)	Fiftieth session (1998)

B. ONGOING STUDIES AND REPORTS ENTRUSTED TO SPECIAL RAPPORTEURS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
5	Traditional practices affecting the health of women and the girl child	Ms. Warzazi	Commission on Human Rights decision 1997/108 Sub-Commission resolution 1998/16	Forty-first session (1989)	Fifty-first session (1999)
6	Systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict - update on developments	Ms. McDougall	Sub-Commission resolution 1998/18	Forty-eighth session (1996)	Fifty-first session (1999)
7	Treaties, agreements and other constructive arrangements between States and indigenous populations	Mr. Alfonso Martínez	Commission on Human Rights decision 1997/113 Sub-Commission decision 1998/107	Forty-third session (1991)	Fifty-first session (1999)
7	Indigenous peoples and their relationship to land	Ms. Daes	Commission on Human Rights decision 1997/114 Sub-Commission resolution 1998/21	Forty-ninth session (1997)	Fifty-first session (1999)
12	Human rights and terrorism	Ms. Koufa	Commission on Human Rights decision 1998/107 Sub-Commission resolution 1998/29	Fifty-first session (1999)	Fifty-third session (2001)

C. WORKING PAPERS AND OTHER DOCUMENTS WITHOUT FINANCIAL IMPLICATIONS ENTRUSTED TO MEMBERS OF THE SUB-COMMISSION IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Entrusted to	Legislative authority	First submission	Final submission
1	Methods of work of the Sub-Commission - revision	Mr. Hatano	Sub-Commission decision 1998/108	Forty-ninth session (1997)	Fifty-first session (1999)
3	Proposals for the work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance	Mr. Pinheiro	Sub-Commission resolution 1998/6		Fifty-first session (1999)
3	The rights of non-citizens	Mr. Weissbrodt	Sub-Commission decision 1998/103		Fifty-first session (1999)
3	Globalization in the context of the increase in incidents of racism, racial discrimination and xenophobia	Mr. Oloka-Onyango	Sub-Commission decision 1998/104		Fifty-first session (1999)

Item	Title	Entrusted to	Legislative authority	First submission	Final submission
4	The realization of the right to education, including education in human rights - the content of the right to education	Mr. Mehedi	Sub-Commission resolution 1998/11	Fiftieth session (1998)	Fifty-first session (1999)
4	Human rights as the primary objective of trade, investment and financial policy	Mr. Oloka-Onyango and Ms. Udagama	Sub-Commission resolution 1998/12		Fifty-first session (1999)
4	The right to adequate food as a human right - review and update	Mr. Eide	Sub-Commission decision 1998/106	Fiftieth session (1998)	Fifty-first session (1999)
12	Weapons of mass destruction or with indiscriminate effect; illicit transfer of arms	Ms. Forero Ucros	Sub-Commission resolutions 1997/36 and 1997/37 and decision 1998/111		Fifty-first session (1999)
12	Reservations to human rights treaties	Ms. Hampson	Sub-Commission decision 1998/113		Fifty-first session (1999)
12	Observance of human rights by States not parties to United Nations human rights conventions	Mr. Kartashkin	Sub-Commission decision 1998/115		Fifty-first session (1999)

D. STUDIES AND REPORTS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR APPROVAL a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
3	The concept and practice of affirmative action	Mr. Bossuyt	Sub-Commission resolution 1998/5	Fifty-first session (1999)	
4	Promotion of the realization of the right to drinking water supply and sanitation	Mr. Guissé	Sub-Commission resolution 1998/7	Fifty-first session (1999)	Fifty-third session (2001)

a/ This list has been prepared in accordance with Commission on Human Rights resolution 1982/23.

b/ The completed study is comprised of documents E/CN.4/Sub.2/1995/14, E/CN.4/Sub.2/1996/14, E/CN.4/Sub.2/1997/9, E/CN.4/Sub.2/1998/8.

c/ The completed study is comprised of documents E/CN.4/Sub.2/1995/38, E/CN.4/Sub.2/1996/26, E/CN.4/Sub.2/1998/13.

Annex VI

LIST OF DOCUMENTS FOR THE FIFTIETH SESSION OF THE SUB-COMMISSION

Documents in the general series

Symbol	Agenda item	
E/CN.4/Sub.2/1998/1		Provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/1998/1/Add.1		Annotations to the provisional agenda: prepared by the Secretary-General
E/CN.4/Sub.2/1998/124- E/CN.4/Sub.2/1998/2	2	Letter dated 14 January 1998 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Acting Deputy High Commissioner for Human Rights
E/CN.4/Sub.2/1998/3	1 (c)	Revised working paper on methods of work of the Sub-Commission, submitted by Mr. Ribot Hatano, pursuant to Sub-Commission resolution 1997/16
E/CN.4/Sub.2/1998/4	3	Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination prepared by Mr. José Bengoa, Mr. Ivan Garvalov, Mr. Mustafa Mehedi and Mrs. Shanti Sadiq Ali
E/CN.4/Sub.2/1998/5	3	Working paper prepared by Mr. Marc Bossuyt on the concept of affirmative action
E/CN.4/Sub.2/1998/6	4 (c)	Working document on the impact of the activities of transnational corporations on the realization of economic, social and cultural rights, prepared by Mr. El Hadji Guissé, pursuant to Sub-Commission resolution 1997/11
E/CN.4/Sub.2/1998/7	4	The right of access of everyone to drinking water supply and sanitation services: working paper by Mr. El Hadji Guissé pursuant to Sub-Commission resolution 1997/18

Symbol	Agenda item	
E/CN.4/Sub.2/1998/8	4	The relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution: final report prepared by Mr. José Bengoa, Special Rapporteur
E/CN.4/Sub.2/1998/9	4	Report updating the study on the right to food prepared by Mr. Asbjorn Eide
E/CN.4/Sub.2/1998/10	4 (d)	The realization of the right to education, including education in human rights: working paper presented by Mr. Mustapha Mehedi
E/CN.4/Sub.2/1998/11	5 (a)	Second report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child, submitted by Mrs. Halima Embarek Warzazi, Special Rapporteur
E/CN.4/Sub.2/1998/12	6	Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1997/22
E/CN.4/Sub.2/1998/13	6	Systematic rape, sexual slavery and slavery-like practices during armed conflict: final report submitted by Ms. Gay J. McDougall, Special Rapporteur
E/CN.4/Sub.2/1998/14	6	Report of the Working Group on Contemporary Forms of Slavery on its twenty-third session
E/CN.4/Sub.2/1998/15	7	Indigenous people and their relationship to land: progress report on the working paper prepared by Mrs. Erica-Irene A. Daes, Special Rapporteur
E/CN.4/Sub.2/1998/16	7	Report of the Working Group on Indigenous Populations on its sixteenth session
E/CN.4/Sub.2/1998/17	7	Note by the Secretariat

Symbol	Agenda item	
E/CN.4/Sub.2/1998/18	8	Report of the Working Group on Minorities on its fourth session
E/CN.4/Sub.2/1998/19	9	Report of the sessional working group on the administration of justice
E/CN.4/Sub.2/1998/20	12	Review of further developments in fields with which the Sub-Commission has been or may be concerned: note by the Secretary-General
E/CN.4/Sub.2/1998/21	12	Memorandum submitted by the International Labour Office
E/CN.4/Sub.2/1998/22	12	Contribution from the United Nations Educational, Scientific and Cultural Organization
E/CN.4/Sub.2/1998/23	12 (c) (iii) and (e) (i)	Note by the Secretariat
E/CN.4/Sub.2/1998/24	12 (c) (ii)	Note by the Secretariat
E/CN.4/Sub.2/1998/25	12	Views of the six human rights treaty bodies on the Preliminary Conclusions of the International Law Commission: report of the Secretary-General
E/CN.4/Sub.2/1998/26	2	Letter dated 25 May 1998 from the Permanent Representative of the Azerbaijani Republic to the United Nations Office at Geneva addressed to the secretariat of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1998/27	2	Letter dated 26 May 1998 from the Permanent Representative of the Azerbaijani Republic to the United Nations Office at Geneva addressed to the secretariat of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Symbol	Agenda item	
E/CN.4/Sub.2/1998/28	1 (c)	Note by the Secretariat
E/CN.4/Sub.2/1998/29	12	Note verbale dated 9 June 1998 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the secretariat of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1998/30	4	Note verbale dated 9 June 1998 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the secretariat of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1998/31	12 (e) (i)	Letter dated 21 July 1998 from the permanent representative of the Azerbaijani Republic to the United Nations Office at Geneva, addressed to the secretariat of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1998/32	12	Note verbale dated 27 July 1998 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the secretariat of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1998/33	2	Letter dated 3 August 1998 from the Permanent Representative of Armenia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1998/34	2	Letter dated 3 August 1998 from the Permanent Representative of Armenia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Symbol	Agenda item	
E/CN.4/Sub.2/1998/35	10 (b)	Letter dated 3 August 1998 from the Permanent Representative of the Azerbaijani Republic to the United Nations Office at Geneva addressed to the secretariat of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1998/36	2	Note by the Secretariat
E/CN.4/Sub.2/1998/37	12 (a)	Letter dated 11 August 1998 from the Permanent Representative of the Azerbaijani Republic to the United Nations Office at Geneva addressed to the secretariat of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1998/38	1 (c)	Enhancing the effectiveness of the Sub-Commission: note by the Chairman
E/CN.4/Sub.2/1998/39	12	Letter dated 20 August 1998 from the Permanent Representative of Armenia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1998/40	9	Letter dated 26 August 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1998/41	2 and 8	Letter dated 19 August 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Symbol	Agenda item	
E/CN.4/Sub.2/1998/42	2	Letter dated 24 August 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1998/43	12	Letter dated 27 August 1998 from the Permanent Representative of the Azerbaijani Republic to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1998/44	12 (b) (ii)	Letter dated 28 August 1998 from the Permanent Representative of Qatar to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Documents in the limited series

Symbol	Agenda item	
E/CN.4/Sub.2/1998/L.1	14 (b)	Note by the Secretary-General
E/CN.4/Sub.2/1998/L.2	4 (b)	Promotion of the realization of the right to drinking water supply and sanitation
E/CN.4/Sub.2/1998/L.3	4 (c)	The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations
E/CN.4/Sub.2/1998/L.4	3	The concept and practice of affirmative action
E/CN.4/Sub.2/1998/L.5	2	Situation of human rights in Belarus
E/CN.4/Sub.2/1998/L.6	3	The rights of non-citizens
E/CN.4/Sub.2/1998/L.7	2	Situation of human rights in the Democratic People's Republic of Korea
E/CN.4/Sub.2/1998/L.8	4	Transmission of Sub-Commission resolution 1996/22 to the Secretary-General
E/CN.4/Sub.2/1998/L.9	2	The situation of human rights in Bahrain
E/CN.4/Sub.2/1998/L.10 and Add.1-12	14 (c)	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its fiftieth session
E/CN.4/Sub.2/1998/L.11 and Add.1-3	14 (c)	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its fiftieth session
E/CN.4/Sub.2/1998/L.12	2	Situation of human rights in Algeria
E/CN.4/Sub.2/1998/L.13	2	Violations of the rights of human rights defenders in all countries
E/CN.4/Sub.2/1998/L.14	2	The Bhutanese refugees
E/CN.4/Sub.2/1998/L.15	1 (c)	Working paper on the methods of work of the Sub-Commission

Symbol	Agenda item	
E/CN.4/Sub.2/1998/L.16	4	The right to food
E/CN.4/Sub.2/1998/L.17	4	Forced evictions
E/CN.4/Sub.2/1998/L.18	2	Developments in the situation in Mexico
E/CN.4/Sub.2/1998/L.19	4	Situation of migrant workers and members of their families
E/CN.4/Sub.2/1998/L.20	4 (c)	Amendment to E/CN.4/Sub.2/1998/L.3
E/CN.4/Sub.2/1998/L.21	4	The realization of the right to education, including education in human rights
E/CN.4/Sub.2/1998/L.22	4 (a)	Human rights as the primary objective of trade, investment and financial policy
E/CN.4/Sub.2/1998/L.23	4	Question of the impunity of perpetrators of violations of economic, social and cultural rights
E/CN.4/Sub.2/1998/L.24	3	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance
E/CN.4/Sub.2/1998/L.25	3	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance
E/CN.4/Sub.2/1998/L.26	6	Systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict
E/CN.4/Sub.2/1998/L.27	7 (a)	Study on indigenous land rights
E/CN.4/Sub.2/1998/L.28	4 (a)	Human rights and income distribution
E/CN.4/Sub.2/1998/L.29	5 (b)	Women and the right to land, property and adequate housing
E/CN.4/Sub.2/1998/L.30	5 (a)	Traditional practices affecting the health of women and the girl child
E/CN.4/Sub.2/1998/L.31	6	Report of the Working Group on Contemporary Forms of Slavery

Symbol	Agenda item	
E/CN.4/Sub.2/1998/L.32	5	The situation of women in Afghanistan
E/CN.4/Sub.2/1998/L.33	7	Study on treaties, agreements and other constructive arrangements between States and indigenous populations
E/CN.4/Sub.2/1998/L.34	7	International Decade of the World's Indigenous People
E/CN.4/Sub.2/1998/L.35	7	Working Group on Indigenous Populations
E/CN.4/Sub.2/1998/L.36	12	Promotion of dialogue on human rights issues
E/CN.4/Sub.2/1998/L.37	12 (c) (ii)	Human rights and terrorism
E/CN.4/Sub.2/1998/L.38	12	Working paper on a study of weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering
E/CN.4/Sub.2/1998/L.39	8	Prevention of discrimination against and protection of minorities
E/CN.4/Sub.2/1998/L.40	12	Adverse consequences of economic sanctions on the enjoyment of human rights
E/CN.4/Sub.2/1998/L.41	10 (b)	Housing and property restitution in the context of the return of refugees and internally displaced persons
E/CN.4/Sub.2/1998/L.42	12 (b)	Reservations to human rights treaties
E/CN.4/Sub.2/1998/L.43	10 (b)	Forced population transfer
E/CN.4/Sub.2/1998/L.44	12 (c) (ii)	Humanitarian situation in Iraq
E/CN.4/Sub.2/1998/L.45	12	Injurious effects of anti-personnel landmines
E/CN.4/Sub.2/1998/L.46	9	Draft international convention on the protection of all persons from enforced disappearance

Documents in the non-governmental organization series

Symbol	Agenda item	
E/CN.4/Sub.2/1998/NGO/1	2	Written statement submitted by Caucasians United for Reparations and Emancipation, a non-governmental organization on the Roster
E/CN.4/Sub.2/1998/NGO/2	9	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/3	8	Written statement submitted by the Association for World Education, a non-governmental organization on the Roster
E/CN.4/Sub.2/1998/NGO/4	3	Written statement submitted by the Association for World Education, a non-governmental organization on the Roster
E/CN.4/Sub.2/1998/NGO/5	4 (c)	Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/6	6	Written statement by Christian Solidarity International, a non-governmental organization on the Roster
E/CN.4/Sub.2/1998/NGO/7	1 (c)	Written statement submitted by North-South XXI, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/8	3 (a)	Written statement submitted by North-South XXI, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/9	3 (b)	Written statement submitted by North-South XXI, a non-governmental organization in special consultative status

Symbol	Agenda item	
E/CN.4/Sub.2/1998/NGO/10	7	Written statement submitted by North-South XXI, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/1998/11	12 (b) (iii)	Written statement submitted by North-South XXI, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/12	4 (c)	Joint written statement submitted by the Indian Movement "Tupaj Amaru" and the Indigenous World Association, a non-governmental organizations in special consultative status
E/CN.4/Sub.2/1998/NGO/13	12 (a)	Joint written statement submitted by the Indian Movement "Tupaj Amaru" and the Indigenous World Association, a non-governmental organizations in special consultative status
E/CN.4/Sub.2/1998/NGO/14	4 (d)	Written statement submitted by the Federal Union of European Nationalities, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/15	2	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/16	9	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/17	12 (c) (ii)	Written statement submitted by North-South XXI, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/18	2	Written statement submitted by the International League for Human Rights, a non-governmental organization in special consultative status

Symbol	Agenda item	
E/CN.4/Sub.2/1998/NGO/19	2	Written statement submitted by Centre Europe-Tiers Monde, a non-governmental organization on the Roster
E/CN.4/Sub.2/1998/NGO/20	4	Joint written statement submitted by the American Association of Jurists, a non-governmental organization in special consultative status, and Centre Europe-Tiers Monde, a non-governmental organization on the Roster
E/CN.4/Sub.2/1998/NGO/21	8	Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/22	10	Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/23	2	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/24	12 (c) (i)	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/Sub.2/1998/NGO/25	12 (c) (iii)	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/Sub.2/1998/NGO/26	10	Written statement submitted by the Open Society Institute, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/27	4	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

Symbol	Agenda item	
E/CN.4/Sub.2/1998/NGO/28	2	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/29	2	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/30	2	Written statement submitted by Franciscans International, a non-governmental organization in general consultative status
E/CN.4/Sub.2/1998/NGO/31	12	Written statement submitted by the Agence internationale pour le développement, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1998/NGO/32	2	Joint written statement submitted by Women's International Democratic Federation, World Confederation of Labour and World Confederation of Labour, non-governmental organizations in general consultative status, Afro-Asian Peoples' Solidarity Organization, Coalition against Trafficking in Women, Habitat International Coalition, Indigenous World Association, International Association of Democratic Lawyers, International Federation of Women in Legal Careers, International League for Human Rights, Latin American Federation of Associations of Relatives of Disappeared Detainees, North-South XXI, Pax Christi International, Pax Romana, United Towns Agency for North-South Cooperation, War Resisters International, Women's International League for Peace and Freedom and Worldview International Foundation, non-governmental organizations in special consultative status, Association of World Citizens, Centre Europe-Tiers Monde, International Educational Development, Inc., International Federation of Free Journalists, International Institute for Peace, Movement against Racism and for Friendship among Peoples and World Organization against Torture, non-governmental organizations on the Roster

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